

**EXECUTIVE ORDER NO. 225**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, and Nos. 222-223

(2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) prohibited gatherings of individuals and ordered residents to remain at home, except in limited situations such as leaving the home for a religious reason, closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Plan") for the methodical and strategic reopening of businesses and activities, including increased capacity for religious services, based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for religious services to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020; and

WHEREAS, Executive Order No. 219 (2021) also increased the indoor limit for sporting events to no greater than 35 percent of the room's capacity, up to a maximum of 150 persons, where the event is limited to necessary persons; and

WHEREAS, Executive Order No. 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event; and

WHEREAS, Executive Order No. 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing implementation of DOH's COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have decreased over the past few weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to reduce person-to-person contact; and

WHEREAS, New Jersey has consistently acknowledged that religious services play a critical role in our society and that attending such services is a constitutionally protected activity,

so that, at certain times, restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, courts both in New Jersey and across the nation have also recognized the propriety of accommodating religious services during the pandemic; and

WHEREAS, at least one of New Jersey's neighbor states has recently increased indoor capacity for religious services to fifty percent; and

WHEREAS, in light of aforementioned improvements in the State's numbers and our continued emphasis on the importance of this activity, it is reasonable to increase indoor capacity for religious services to fifty percent of the room in which they are held, without a cap on the number of individuals who may attend; and

WHEREAS, the State has relied on partnership with houses of worship to ensure best practices to protect the community and will continue to expect their support in complying with all applicable protocols; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility; and

WHEREAS, without a total cap on the number of individuals permitted at such an event, it is appropriate that the capacity limit be lower than that permitted for smaller venues in order to restrict the overall number of individuals allowed in the facility and to prevent congregation; and

WHEREAS, it is also reasonable to permit a limited number of fans at collegiate sporting events to align with the allowances recently extended to non-collegiate sporting activities; and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Effective immediately, the number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, shall be limited to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than

10 persons. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room." Paragraph 3 of Executive Order No. 219 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

2. Effective Monday, March 1 at 6:00 a.m., sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 10 percent of the stated maximum capacity of any room where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions.

3. Effective Monday, March 1 at 6:00 a.m., sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 15 percent of the stated maximum capacity of any outdoor area where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals

who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions.

4. Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 10 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend the event. Such parents and guardians shall also be considered necessary for the practice or competition. The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 35 percent of the capacity of the room, and such limit may not exceed 150 persons, except that individuals necessary for the collegiate sporting event may exceed the 150-person limit. In no case shall the number of persons, inclusive of parents and guardians, exceed 35 percent of the capacity of the room. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor gatherings shall continue to apply. Paragraph 9 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Paragraph 2 of this Order shall apply to all indoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater.

5. Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 25 persons. Athletes, coaches, referees, trainers, and other

individuals who are necessary for the competitive collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend. Such parents and guardians shall be considered necessary for the practice or competition. Paragraph 9 of Executive Order No. 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Paragraph 3 of this Order shall apply to all outdoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater.

6. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

7. 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 in all matters concerning this Order.

8. 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 or might in any way interfere with or impede its

achievement, except as otherwise provided in Executive Order No. 195 (2020).

9. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

10. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
22<sup>nd</sup> day of February,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 226**

WHEREAS, Executive Order No. 218, declaring a State of Emergency, was issued on January 31, 2021, because of a major, prolonged nor'easter winter storm that arrived on that date and continued through February 2, 2021; and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency have eased;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT:

1. The State of Emergency declared in Executive Order No. 218 (2021) is terminated effective 5:00 p.m., Eastern Standard Time, on February 23, 2021.

GIVEN, under my hand and seal this  
23<sup>rd</sup> day of February,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 227**

WHEREAS, New Jersey's population of individuals age 65 and over is expected to grow from 1.5 million in 2019 to 1.9 million by the year 2030; and

WHEREAS, by the end of this decade one in five New Jerseyans will be age 65 or older; and

WHEREAS, across the United States, individuals age 65 and over are projected to outnumber children under age 18 by the year 2030; and

WHEREAS, research shows that this population overwhelmingly want to remain in their homes and communities as they age; and

WHEREAS, about one-third of New Jersey residents age 55 or older live in large-lot, car-dependent communities; and

WHEREAS, access to quality health care and long-term services and supports are essential for older residents to remain in their homes and communities; and

WHEREAS, despite representing only 36 percent of New Jersey's population, people age 50 and over accounted for 48 percent of the State's Gross Domestic Product in 2015, which in turn supported 54 percent of New Jersey's jobs and 47 percent of State and local taxes; and

WHEREAS, active aging is a life-long process and an "age-friendly" community is one that is friendly for people of all ages who live, work, study and participate in activities there; and

WHEREAS, the World Health Organization has developed a Global Network of Age-Friendly Cities and Communities to promote public policies that improve the health, well-being, satisfaction, and quality of life for all residents by focusing on eight key domains of community life that impact active aging:

1. Outdoor spaces and buildings - accessibility to and availability of clean, safe community centers, parks, and other recreational facilities;

2. Transportation - safe and affordable modes of private and public transportation, "Complete Streets" types of initiatives, hospitable built environments;

3. Housing - wide range of housing options, aging in place and other home modification programs, housing that is accessible to transportation and community and health services;

4. Social participation - access to recreational and cultural activities, opportunities for all residents to participate in social and civic engagement with their peers and both older and younger people;

5. Respect and social inclusion - programs to support and promote ethnic and cultural diversity, programs to encourage multigenerational interaction and dialogue, programs to combat loneliness and isolation among older residents;

6. Civic participation and employment - promotion of paid work and volunteer opportunities for older residents, opportunities for older residents to engage in formulation of policies relevant to their lives;

7. Communication and information - promotion of and access to the use of technology to keep older residents connected to their community and friends and family, both near and far;

8. Community support and health services - access to homecare services, clinics, programs to promote active aging (physical exercise and healthy habits); and

WHEREAS, enabling people to continue living full lives in their homes and communities requires intentional and inclusive planning to develop and revive key age-friendly features, including compact neighborhoods with diverse housing types; downtowns with homes, shops, restaurants and entertainment close to each other; walkable and well-connected streets; and good transportation options;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of

New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Age-Friendly State Advisory Council ("Advisory Council") in the Department of Human Services (the "Department"). The Advisory Council, which shall be purely advisory in nature, shall be chaired by the Commissioner of the Department or her designee.

2. In addition to the Commissioner of the Department, the Advisory Council shall consist of at least 10 members, including the Lieutenant Governor in her capacity as Commissioner of Community Affairs, the Commissioner of Health, and the Commissioner of Transportation, or their designees, as well as representatives from county and municipal governments or local authorities, community aging and inclusion stakeholders, the business community, and experts from the higher education community. The Governor may, as determined to be appropriate, appoint additional members to the Advisory Council. All public members of the Advisory Council shall be appointed by the Governor, serve at the pleasure of the Governor, and serve without compensation.

3. The Advisory Council shall organize as soon as practicable after the appointment of its members and shall convene as often as practicable and as requested by the Governor or chairperson.

4. The objectives of the Advisory Council shall include, but not be limited to, consideration of the following:

- a. Identifying opportunities for, and barriers to, the creation of livable communities for people of all ages across the State of New Jersey;
- b. Recommending best practices for age-friendly employment and civic participation among partners such as health and community services, business

leaders, local and elected officials, advocacy organizations and volunteer groups, and innovative public-private partnerships; and

- c. Promoting age-friendly community inclusion and equitable outcomes by examining programs and practices to ensure that they address disparities experienced by older adults of every race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

5. Within eighteen months of the effective date of this Order, informed by the advice of the Advisory Council, the Department shall develop a blueprint of best practices for advancing age-friendly practices across the State and submit such blueprint to the Governor. The report shall be made available to the public at the same time.

6. The Department shall supply staff support to the Advisory Council as necessary. The Advisory Council is authorized to call upon any Executive Branch department or agency to supply it with information or other assistance available to such agency as the Advisory Council determines to be necessary to discharge its duties under this Order. Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Council within the limits of its statutory authority and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Advisory Council may consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission.

7. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

8. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
2<sup>nd</sup> day of March,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 228**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, and No. 225 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) prohibited gatherings of individuals and ordered residents to remain at home, except in limited situations such as leaving the home for a religious reason, closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities, including increased capacity for religious services, based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for all wedding ceremonies to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020; and

WHEREAS, Executive Order No. 225, issued February 22, 2021, increased the indoor limit for religious services or celebrations, including wedding ceremonies, to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 10 persons; and

WHEREAS, wedding receptions are limited to 10 individuals indoors and 25 individuals outdoors consistent with current gathering limits; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are

most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing implementation of the State's vaccination program, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have decreased over the past month; and

WHEREAS, in light of aforementioned improvements in the State's numbers and our continued emphasis on the importance of wedding ceremonies, it is appropriate to allow venues to host wedding receptions at the same capacity that is currently permitted for certain ceremonies; and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the

Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 10 persons or larger than 150 persons, excluding the reception venue's staff. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room." Paragraph 1 of Executive Order No. 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

2. The number of individuals at an outdoor gathering that is a wedding reception shall be limited to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 150 persons, excluding the reception venue's staff. Paragraph 4 of Executive Order No. 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

3. It is hereby clarified that the capacity limits for indoor wedding ceremonies, as stated in Paragraph 1 of Executive Order No. 225 (2021), exclude the venue's staff.

4. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

5. 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 in all matters concerning this Order.

6. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

7. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

8. This Order shall take effect on Friday, March 5, 2021 at 6:00 a.m., and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
3<sup>rd</sup> day of March,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 229**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 222, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and

No. 228 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, not terminate service due to inability to pay because of disruptions caused by COVID-19 through June 30, 2020; and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, including the closure of all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to students and the cessation of in-person instruction at all private and public institutions of higher education; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to continue to remain closed to students, required all public and private institutions of higher education to continue to cease in-person instruction, and mandated that all businesses or non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements; and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities ("BPU") issued an order, Docket No. EO20030254, emphasizing the critical need to maintain essential services for New Jersey residents throughout the pandemic, and permitting broadband internet providers to continue to establish new connections and repair existing service for homes with school-aged children, those in need of internet access to meet job requirements, or other priority customers; and

WHEREAS, Executive Order No. 126 (2020) prohibited cable and telecommunications providers that provide residential internet and voice services to New Jersey residents from terminating such internet and voice service due to nonpayment to ensure that residents maintained sufficient residential internet and voice services to work and further their education in a home environment; and

WHEREAS, recognizing that access to heat, power, and clean water are essential to New Jersey residents as they stay, work, and learn at home in response to COVID-19, all gas and electric utilities in the State, as well as all privately and publicly owned water systems, voluntarily suspended service shutoffs due to nonpayment through October 15, 2020; and

WHEREAS, on August 13, 2020, I issued Executive Order No. 175, allowing public school districts to offer partial remote instruction, as well as full-time remote instruction under certain circumstances; and

WHEREAS, on October 15, 2020, I issued Executive Order No. 190, prohibiting a gas or electric public or municipal utility or privately or publicly owned water system from discontinuing any gas, electric, or water service to a New Jersey resident and from charging a fee - for late or untimely payment; and

WHEREAS, Executive Order No. 190 (2020) further prohibited a cable or telecommunications provider that provides residential internet and voice services to New Jersey residents from terminating such internet or voice service prior to November 15, 2020 and thereafter if the service was used by one or more school-aged children for educational purposes, or from imposing late fees, penalties, or reconnection costs as a condition of maintaining service; and

WHEREAS, on October 28, 2020, the BPU issued an order in Docket No. AO20060471, In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic, inviting utilities and other interested parties to provide comments on issues related to the ramifications of COVID-19 on Board-adopted tariffs, regulations, policies and programs, as well as on Board regulated entities, utility ratepayers, and Board adopted programs; and

WHEREAS, in February 2021, the BPU convened a series of public meetings on the impact of the COVID-19 pandemic on utility bill arrearages, public assistance programs, and related issues under Docket No. AO2006047, and will be holding further working group and stakeholder meetings on these issues; and

WHEREAS, during the 2020-2021 school year, school districts have delivered education by way of all-remote instruction, in-person instruction, or a combination of the two forms ("hybrid instruction"); and

WHEREAS, as of March 2, 2021, 132 districts are providing all-remote instruction, 539 districts are providing hybrid instruction, 110 districts are providing full in-person instruction, and 31 districts are providing a combination of instructional modalities across school buildings; and

WHEREAS, Executive Order No. 190 (2020) expires on March 15, 2021; and

WHEREAS, it remains essential to continue to provide access to residential internet services to households with children attending elementary and secondary schools who may be engaged in all-remote or hybrid instruction so that they may continue to receive their education; and

WHEREAS, many New Jersey residents continue to experience financial hardship as a result of the Public Health Emergency, which may hinder their ability to make payments for gas, electric, or water services, subjecting them to potential discontinuation of such essential services due to nonpayment after March 15, 2021; and

WHEREAS, access to heat, power, and clean water remains essential to all New Jersey residents; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. No gas or electric public or municipal utility or privately or publicly owned water system shall discontinue any gas, electric, or water service to New Jersey residents, which includes all residential accounts and any accounts primarily serving residential customers, due to nonpayment unless the

disconnection is to prevent or ameliorate a risk to public health or safety.

2. No gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue, during the Public Health Emergency.

3. Before disconnecting residential internet and voice services to a New Jersey resident who has an existing account with the cable or telecommunications provider as of the effective date of this Order, after the required notice of discontinuance is sent to the customer, the cable or telecommunications provider shall offer to enroll the customer in an interest-free payment plan of at least twelve equal monthly installments that includes any outstanding balance due and owing, as well as the ongoing balance for any services provided during the payment plan period, provided that nothing in this provision prevents a customer from requesting a shorter payback period.

4. A cable or telecommunications provider may provide additional flexibility to customers by offering a combined payment and payment forgiveness plan, involving forgiveness of at least 50% of the outstanding principal, in lieu of a twelve-month payment plan required by Paragraph 5 of this Order, solely upon consent of the customer by written or recorded verbal communication, pursuant to a policy approved in writing by the BPU.

5. No cable or telecommunications provider shall discontinue residential internet and voice services to a New Jersey resident who has entered into a payment plan pursuant to Paragraphs 3 or 4 of this Order so long as the customer makes timely payments under the payment plan selected by the customer.

6. No cable or telecommunications provider shall require a down payment or deposit to enroll a customer in a payment plan pursuant to Paragraphs 3 through 5 of this Order.

7. No cable or telecommunications provider may disconnect the internet service provided to a residential account that is in effect as of the effective date of this Order that one or more school-aged children utilize for educational purposes. Prior to terminating internet service, a provider must ask the customer, either in writing or through a recorded verbal communication, whether the internet service is being used by a school-aged child for education purposes. If the customer answers in the affirmative, then the provider shall not disconnect the internet service provided to that residential account.

8. Nothing in this Order prohibits a cable or telecommunications provider from implementing a policy of continuing to provide residential internet and voice services to all customers in New Jersey subject to approval from the BPU.

9. Where internet service has been disconnected for a residential account and there has been a change of circumstances such that one or more school-aged children will be using the account for educational purposes, the provider shall, upon notification by a customer of such a change of circumstances, take immediate steps to reestablish service to that residential account. The provider shall develop and implement a process for customers to obtain reestablishment of services in those circumstances pursuant to a policy approved in writing by the BPU and shall provide notice of that policy in writing to all customers prior to the disconnection of internet services and on its website.

10. A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents pursuant to Paragraphs 8 and 9 may not downgrade or otherwise reduce the quality of residential internet services while this Order remains in effect unless acting pursuant to a policy approved in writing by the BPU.

11. No cable or telecommunications provider shall seek to impose or collect any late fees, penalties or other reconnection costs on customers affected by the Public Health Emergency as a condition of maintaining service.

12. To the degree that they are inconsistent with this Order, the provisions of N.J.A.C. 14:3-3A.1a(3)-(4) and -3A.5 are suspended for the duration of the Public Health Emergency. Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect.

13. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 40:14A-21; N.J.S.A. 40:14B-41 and -42; N.J.S.A. 40A:26A-12; and N.J.S.A. 40A:31-12 are suspended for the duration of the Public Health Emergency. Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect.

14. Any actions taken by the BPU pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

15. Executive Order No. 190 (2020) is hereby superseded to the extent inconsistent with this Order.

16. 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 in all matters concerning this Order, and to cooperate fully with Administrative Orders issued pursuant to this Order.

17. 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 or might in any way interfere with or impede its achievement.

18. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

19. This Order shall take effect immediately and shall remain in effect until June 30, 2021.

GIVEN, under my hand and seal this  
 3<sup>rd</sup> day of March,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 230**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, and 215, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223,

No. 225, and Nos. 228-229 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, on Monday, June 22, 2020, I announced that indoor dining would be able to resume under strict limits as of Thursday, July 2, 2020, and that decision was formalized in Executive Order No. 157 (2020); and

WHEREAS, while Executive Order No. 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No. 158 (2020), in light of COVID-19 spikes in states around the nation which state officials and other experts had attributed, at least in part, to activities in indoor food and beverage establishments; and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No. 183, with strict health and safety protocols in place, including limiting the number

of patrons to 25 percent of the establishment's stated maximum capacity; and

WHEREAS, Executive Order No. 157 (2020) permitted certain recreation and entertainment businesses to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation; and

WHEREAS, Executive Order No. 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed by the Division of Gaming Enforcement and New Jersey Racing Commission; and

WHEREAS, Executive Order No. 181, issued August 27, 2020, permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity; and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020); and

WHEREAS, Executive Order No. 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity; and

WHEREAS, the current gatherings limits are set at 10 individuals indoors and 25 individuals outdoors; and

WHEREAS, Executive Order No. 196, issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at

levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower; and

WHEREAS, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for religious services to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020; and

WHEREAS, Executive Order No. 219 (2021) also increased the indoor limit for sporting events to no greater than 35 percent of the room's capacity, up to a maximum of 150 persons, where the event is limited to necessary persons; and

WHEREAS, that Order further increased indoor capacity limits for numerous businesses, including the indoor premises of food and beverage establishments, to 35 percent; and

WHEREAS, Executive Order No. 225 (2021) then increased the indoor capacity limit for gatherings that are religious services or celebrations to 50 percent of the capacity of the room in which they take place; and

WHEREAS, Executive Order No. 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event; and

WHEREAS, Executive Order No. 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events; and

WHEREAS, Executive Order No. 225 (2021) subsequently clarified that a limited number of parents and guardians could also attend collegiate sporting events; and

WHEREAS, that Order also permitted certain larger venues, including sporting venues, to host events at 10 percent capacity indoors and 15 percent capacity outdoors; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, including the indoor and outdoor gatherings limits and capacity restrictions on businesses; and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, courts both in New Jersey and across the nation have also recognized the propriety of accommodating religious services during the pandemic; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits; and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general gathering limit while following health and safety protocols; and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties and birthday parties, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, the current 35 percent capacity limit on the indoor premises of the above referenced establishments and on the indoor gathering limit for certain activities can safely be raised to 50 percent, as long as face covering and social distancing requirements are strictly observed; and

WHEREAS, 50 percent capacity is a limit that will continue to restrict congregation of large numbers of individuals in indoor settings; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to

inoculate the State's residents and workforce against COVID-19;  
and

WHEREAS, the State has thus far administered over 2.7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, and certain educators and child care workers;  
and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues;  
and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 1 of Executive Order No. 196 (2020) is hereby rescinded and the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25 persons. While the numerical limits on indoor gatherings in Paragraph 1 of Executive Order No. 196 (2020) are rescinded, all other requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No. 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No. 152 (2020), shall remain in effect.

2. The number of individuals at indoor gatherings that are political activities, wedding ceremonies, funerals, or memorial services shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 25 persons, excluding staff of the gathering venue. For purposes of this Order, any private residence or residential unit shall be treated as a single "room." Paragraph 3 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.

3. The number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, shall be limited to 50 percent of the capacity of the room in which it takes place, excluding staff of the gathering venue, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons. Paragraph 1 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

4. The number of individuals at an indoor gathering that involves an Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meeting of an addiction support group shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 25 persons.

5. The number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the reception venue's staff. Paragraph 1 of Executive Order No. 228 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

6. It is hereby restated that entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public, must limit the number of patrons in any indoor room where a performance is viewed or given to 35 percent of the stated maximum capacity, if applicable, at one time, but regardless of the capacity of the room, such limit shall never be larger than 150 persons, excluding the entertainment center's

employees. The other requirements outlined in Paragraph 2 of Executive Order No. 183 (2020) continue to apply. Such indoor entertainment centers may host a performance in an adjacent outdoor area with a maximum capacity equivalent to the facility's indoor capacity permitted under this Paragraph.

7. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the gatherings limits in Executive Order Nos. 107, 142, 148, 152, 156, 161, 173, 183, 196, or 204 (2020), or No. 219 (2021) are amended to reflect the rules on gatherings stated in this Order.

8. Paragraph 4 of Executive Order No. 204 (2020) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 50 persons or fewer. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons. All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No. 161 (2020), including the requirements of Paragraph 2 of Executive Order No. 152 (2020) incorporated by reference therein, shall remain in effect. Paragraph 2 of Executive Order No. 228 (2021) remains in effect.

9. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 150

persons, as previously stated in Paragraph 8 of Executive Order No. 196 (2020).

10. Restaurants, cafeterias, dining establishments, including private, non-profit clubs, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," that are open to the public shall limit the number of patrons in indoor areas to 50 percent of the food and beverage establishment's indoor capacity, excluding the food or beverage establishment's employees. Paragraph 1 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

11. Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 4 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

12. "Health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No. 181 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 5 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

13. Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No. 157 (2020) shall limit

occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the recreational or entertainment business's employees. Paragraph 6 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

14. Casinos, including casino gaming floors and retail sports wagering lounges, that have opened their indoor premises to the public shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 7 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

15. Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 25 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend the event. Such parents and guardians shall also be considered necessary for the practice or competition. The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 35 percent of the capacity of the room, and such limit may not exceed 150 persons, except that individuals necessary for the collegiate sporting event may exceed the 150-person limit. In no case shall the number of persons, inclusive of parents and guardians, exceed 35 percent of the capacity of the room. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor

gatherings shall continue to apply. Paragraph 4 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

16. Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 50 persons. Athletes, coaches, referees, trainers, and other individuals who are necessary for the competitive collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend. Such parents and guardians shall be considered necessary for the practice or competition. Paragraph 5 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

17. Professional athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 25 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The number of individuals present inside facilities where indoor professional or collegiate athletic competitions are taking place may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor gatherings shall continue to apply. Paragraph 9 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

18. Professional athletic competitions that are conducted outdoors are subject to an outdoor gathering limit of 50 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply. Paragraph 5 and Executive Order No. 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

19. All non-collegiate and non-professional athletic practices and competitions that are conducted indoors are subject to the current indoor gathering limit, which was most recently set at 25 persons. However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 25 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition. Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend the event provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities." Such parents and guardians shall be considered necessary for the practice or competition. The number of individuals present inside facilities where indoor practices or competitions are taking place, inclusive of all necessary individuals, may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. Paragraph 1 of Executive Order No. 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

20. All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors are subject to the current outdoor gathering limit of 50 persons. However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 50 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition. Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities." Such parents and guardians shall be considered necessary for the practice or competition. Paragraph 2 of Executive Order No. 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

21. Paragraph 2 of Executive Order No. 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater.

22. Paragraph 3 of Executive Order No. 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater.

23. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

24. 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 in all matters concerning this Order.

25. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

26. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

27. This Order shall take effect at 6:00 a.m. on Friday, March 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
11<sup>th</sup> day of March,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 231**

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and Nos. 228-230 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 181, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 219, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos. 215 and 222 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, since the Public Health Emergency was renewed on February 17, 2021, at which time there were over 669,481 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of March 16, 2021, according to the World Health Organization, there were over 119,960,700 confirmed cases of COVID-19 worldwide, with over 2,656,822 of those cases having resulted in death; and

WHEREAS, as of March 16, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 29,319,457 confirmed cases of COVID-19 in the United States, with over 533,057 of those cases having resulted in death; and

WHEREAS, as of March 16, 2021, there were over 747,561 positive cases of COVID-19 in New Jersey, with at least 21,492 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, the rate of reported new cases across all counties has remained high, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well

as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even with these improvements and the rapid expansion of the State's capacity to vaccinate large numbers of individuals each day, it is still necessary to maintain strict mitigation protocols to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by

the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
 17<sup>th</sup> day of March,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 232**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187 and Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and Nos. 228-231 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health (“DOH”), I announced a multi-stage New Jersey’s Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to permit sporting events to resume in New Jersey, subject to strict health and safety protocols; and

WHEREAS, following significant increases in certain key metrics, I issued Executive Order No. 194 on November 10, 2020, which prohibited interstate indoor youth sports competitions from taking place in New Jersey and prohibited New Jersey teams from hosting interstate competitions outside of the State; and

WHEREAS, Administrative Order No. 2020-25, issued December 31, 2020, clarified that interstate outdoor youth sports competitions are also prohibited within New Jersey; and

WHEREAS, Executive Order No. 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event; and

WHEREAS, Executive Order No. 220 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, particularly activities that are conducted outdoors; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has released strategies for mitigating risk at sporting competitions, which are reflected in current guidance from the DOH; and

WHEREAS, it is thus reasonable to permit interstate outdoor youth sports competitions to resume, where such events remain subject to DOH guidance and to the State's limitations on gatherings; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered over 3 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, public safety workers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, certain educators and child care workers, and public and local transportation workers; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Outdoor interstate youth sports competitions - including those operated by school-based, club, and recreational programs - are permitted to resume within the State. School-based, club, and recreational programs are also permitted to host outdoor interstate youth sports competitions outside of New Jersey, or outdoor youth sports competitions outside of New Jersey that would require New Jersey teams to travel to another state. Administrative Order No. 2020-25 is hereby rescinded.

2. For purposes of this Order, "outdoor interstate youth sports competition" includes any sports game, scrimmage, tournament, or similar competition that is conducted outdoors with opposing teams or individuals from different states competing against each other and which would

require an opposing team or individual to travel from a state outside of New Jersey.

3. All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors continue to be subject to the current outdoor gathering limit of 50 persons, as most recently stated in Executive Order No. 230 (2021). However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 50 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition. Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities." Such parents and guardians shall be considered necessary for the practice or competition.

4. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

5. 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 in all matters concerning this Order.

6. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

7. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

8. This Order shall take effect at 6:00 a.m. on Friday, March 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
17<sup>th</sup> day of March,  
Two Thousand and Twenty-one, and  
of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 233**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq. and the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187

and Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and Nos. 228-232 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, since the COVID-19 pandemic began, the federal government has provided three rounds of direct financial assistance to individuals, families, and businesses affected by the COVID-19 pandemic; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, enacted March 27, 2020, provided the first round of direct financial assistance to individuals and families, subject to means-tested eligibility criteria, in the form of a refundable tax credit identified as a "recovery rebate," of up to \$1,200 for each eligible individual, or \$2,400 in the case of eligible individuals filing a joint return, plus an additional \$500 per qualifying child; and

WHEREAS, Public Law 116-260, enacted December 27, 2020, provided a second recovery rebate of up to \$600 for each eligible individual, or \$1,200 in the case of eligible individuals filing a joint return, plus an additional \$600 per qualifying child; and

WHEREAS, Public Law 116-260 further provided that the recovery rebates provided under the act would not be subject to execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law; and

WHEREAS, on March 11, 2021, President Biden signed into law the "American Rescue Plan Act of 2021" ("ARPA"), Public Law 117-2, to provide a third round of emergency financial assistance to individuals, families, and businesses affected by the COVID-19 pandemic; and

WHEREAS, section 9601 of the ARPA provides a recovery rebate of up to \$1,400 for each eligible individual, or \$2,800 in the case of eligible individuals filing a joint return, plus an additional \$1,400 per dependent; and

WHEREAS, unlike the second recovery rebate provided by Public Law 116-260, the recovery rebate provided by the ARPA may be subject to garnishment or execution by creditors, as a matter of federal law, leaving the states with discretion to limit such garnishment or execution; and

WHEREAS, the laws of New Jersey governing garnishments and executions specify the income and property subject to, and exempt from, garnishment or execution by creditors and also limit the amount that a creditor can garnish for repayment of debts; and

WHEREAS, in order to enforce a judgment, a creditor must obtain a writ of execution issued by a court, which writ allows the creditor to seek a levy on debtor's assets, including money (N.J.S.A. 2A:17-15), shares of stock (N.J.S.A. 2A:17-16), real estate (N.J.S.A. 2A:17-17), and proprietary rights and shares (N.J.S.A. 2A:17-18); and

WHEREAS, certain assets of a debtor are exempt from execution and garnishment and cannot be confiscated to pay a judgment, including goods and chattels, shares of stock or interests in any corporation, and personal property not exceeding \$1,000 in value, exclusive of wearing apparel, and all wearing apparel (N.J.S.A. 2A:17-19); household goods and furniture not exceeding \$1,000 in value, except when the debt is incurred in the purchase thereof (N.J.S.A. 2A:26-4); disability benefits (N.J.S.A. 17:18-12); workers' compensation benefits (N.J.S.A. 34:15-29); income from certain pensions (N.J.S.A. 43:13-9, -37.5) and trusts (N.J.S.A.

25:2-1); unemployment compensation payments (N.J.S.A. 43:21-15); and holocaust reparation payments (N.J.S.A. 2A:17-28.1); and

WHEREAS, N.J.S.A. 2A:17-56 limits the amount that creditors can garnish from the gross amount of a debtor's wages, debts, earnings, salary, income from trust funds, or profits, to no more than 10 percent of such gross amount if the debtor earns no more than 250 percent of the federal poverty level; and

WHEREAS, Section 303 the Consumer Credit Protection Act, 15 U.S.C. 1673, generally limits the amount that creditors can garnish from a debtor to no more than the lesser of 25 percent of disposable earnings or the amount that a debtor's disposable earnings for that week exceed thirty times the Federal minimum hourly wage; and

WHEREAS, limits on the extent to which certain income and property is subject to execution or garnishment by creditors ensures that individuals and families have sufficient income and property to provide the basic necessities of life, such as food, housing, and health care; and

WHEREAS, the public policy advanced by the statutory scheme described herein is not only to protect the livelihoods of debtors and their families but also to afford a means of financial rehabilitation during difficult periods; and

WHEREAS, the payments under the ARPA are emergency support, designed to support the basic needs of the many Americans who have suffered unprecedented financial harms, a significant number of whom have filed unemployment claims, as a result of the COVID-19 pandemic; and

WHEREAS, the payments under the ARPA and the laws providing exceptions to executions and garnishments both serve to protect individuals and families against financial reverses and

difficulties by providing and protecting the financial means to survive; and

WHEREAS, the COVID-19 pandemic has had a profound and devastating economic effect on the lives and livelihoods of all State residents and a prohibition on execution and garnishment of the emergency financial assistance provided under the ARPA is necessary to ensure that residents who receive financial assistance under the ARPA are able to use that emergency financial assistance to meet their immediate financial needs and those of their families; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Financial assistance made available under section 9601 of the ARPA shall be exempt from any attachment, levy, execution, or garnishment, except as otherwise provided in this Order, without requiring any further action by the person or persons receiving such financial assistance if identifiable by the bank or financial institution in which the funds are electronically deposited. This exemption also shall extend to funds in any account held by an individual who received such financial assistance to the extent those funds are traceable to the financial assistance received by that individual.

2. The exemption set forth in Paragraph 1 of this Order shall not apply to any attachment, levy, execution, or garnishment in connection with any action for, or any judgment awarding, any child support, spousal support, or family support, or any criminal restitution payable to victims.

3. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 2A:17-15, N.J.S.A. 2A:17-16, N.J.S.A. 2A:17-17, N.J.S.A. 2A:17-18, and N.J.S.A. 2A:17-56 are suspended for the duration of this Public Health Emergency. Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
24<sup>th</sup> day of March,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

## EXECUTIVE ORDER NO. 234

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, and March 17, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and Nos. 228-233 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the limits for indoor and outdoor gatherings; and

WHEREAS, though the State experienced significant upticks in case numbers and hospitalizations throughout the fall and early winter, necessitating tightening of certain business and gathering restrictions, key metrics have again improved over the past few months; and

WHEREAS, the current outdoor gatherings limit is set at 50 individuals, with certain limited exceptions; and

WHEREAS, Executive Order No. 196, issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower; and

WHEREAS, Executive Order No. 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed

the gathering limits so long as no individuals were present who were not necessary for the event; and

WHEREAS, Executive Order No. 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events; and

WHEREAS, Executive Order No. 225 (2021) subsequently clarified that a limited number of parents and guardians could also attend collegiate sporting events; and

WHEREAS, that Order also permitted certain larger venues, including sporting venues, to host events at 10 percent capacity indoors and 15 percent capacity outdoors; and

WHEREAS, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for all wedding ceremonies to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020; and

WHEREAS, Executive Order No. 230 (2021) increased the indoor limit for religious services or celebrations, including wedding ceremonies, to 50 percent of the capacity of the room in which they take place, excluding venue staff; and

WHEREAS, Executive Order No. 230 (2021) also clarified that wedding receptions are limited to 35 percent of the capacity of the room in which they take place, up to 150 persons, excluding venue staff; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the

ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained relatively stable during the last several weeks; and

WHEREAS, given the decrease in and recent stability of these key statistics and the continuation of the State's plan, described more fully below, the State can take cautious, incremental steps to ease certain restrictions that were designed to limit person-to-person contact, including the outdoor gatherings limits and capacity restrictions on businesses; and

WHEREAS, the Centers for Disease Control and Prevention continues to emphasize that outdoor environments pose less risk than indoor environments, so that we can significantly increase the outdoor gathering limit to encourage outdoor activities as the weather warms; and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits; and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the

general outdoor gathering limit while following health and safety protocols; and

WHEREAS, certain events such as weddings, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, entail a seated dinner that requires guests at different tables to remain six feet apart, and involves a venue capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity that was previously extended to wedding receptions; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility; and

WHEREAS, without a total cap on the number of individuals permitted at such an event, it is appropriate that the capacity limit for events at smaller venues be lower than for events at larger ones in order to restrict the overall number of individuals allowed in the facility and to prevent congregation; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered over 4 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, and certain educators and child care workers; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 8 of Executive Order No. 230 (2021) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 200 persons or fewer. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony or reception, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons. All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No. 161 (2020), including the requirements of Paragraph 2 of Executive Order No. 152 (2020) incorporated by reference therein, shall remain in effect. Paragraph 2 of Executive Order No. 228 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

2. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 200 persons, unless the outdoor entertainment venue has a fixed seating capacity of 2,500 persons or greater as described in Paragraph 10 of this Order. Paragraph 9 of Executive Order No. 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

3. All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors are subject to the outdoor gathering limit of 200 persons. Athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. All other individuals,

including spectators, must be limited to 200 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply. Paragraphs 16, 18, and 20 of Executive Order No. 230 (2021) are hereby superseded to the extent that it conflicts with the provisions of this Order.

4. It is hereby restated that the number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the reception venue's staff. For purposes of this Order, any private residence or residential unit shall be treated as a single "room."

5. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 35 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 150 persons, excluding the venue's staff.

6. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 200 persons, excluding the venue's staff.

7. All indoor gatherings, including wedding receptions and private catered events, must continue to follow all applicable requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No. 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No. 152 (2020).

8. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 20 percent of the stated maximum capacity of any room where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions. This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater. Paragraph 2 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

9. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any outdoor area where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order,

and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions. This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater. Paragraph 3 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

10. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

11. 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 in all matters concerning this Order.

12. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

14. This Order shall take effect at 6:00 a.m. on Friday, April 2, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
29<sup>th</sup> day of March,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 235**

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, and Nos. 228-234 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 181, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 219, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 17, 2021, I issued Executive Order No. 231, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos. 215, 222, and 231 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social

distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, since the Public Health Emergency was renewed on March 17, 2021, at which time there were over 747,561 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of April 14, 2021, according to the World Health Organization, there were over 136,996,364 confirmed cases of COVID-19 worldwide, with over 2,951,832 of those cases having resulted in death; and

WHEREAS, as of April 14, 2021, according to the Centers for Disease Control and Prevention (CDC), there were over 31,158,087 confirmed cases of COVID-19 in the United States, with over 560,576 of those cases having resulted in death; and

WHEREAS, as of April 15, 2021, there were over 845,201 positive cases of COVID-19 in New Jersey, with at least 22,414 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, the rate of reported new cases across all counties has remained high, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even with these improvements and the rapid expansion of the State's capacity to vaccinate large numbers of individuals each day, it is still necessary to maintain strict mitigation protocols to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the

situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any

Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
15<sup>th</sup> day of April,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 236**

WHEREAS, Walter Frederick "Fritz" Mondale was a dedicated lifelong public servant and a staunch advocate for civil rights who passionately fought for all Americans, and who served as the 42nd Vice President of the United States; and

WHEREAS, Vice President Mondale was born on January 5, 1928, in Ceylon, Minnesota; and

WHEREAS, Vice President Mondale began serving as Attorney General of Minnesota in 1960, and in that role joined a brief in support of indigent defendants' right to counsel in the landmark U.S. Supreme Court case *Gideon v. Wainwright*; and

WHEREAS, Vice President Mondale played a critical role at the Democratic National Convention in Atlantic City, New Jersey, in 1964, where he helped negotiate an agreement banning segregated delegations; and

WHEREAS, Vice President Mondale served as a United States Senator from Minnesota from 1964 to 1976, during which time he supported voting rights, fair housing, women's rights, and environmental protection laws, and championed causes such as desegregation, education and childcare, healthcare, and consumer protection; and

WHEREAS, Democratic nominee for President Jimmy Carter asked then-Senator Mondale to be his running mate in the 1976 presidential election; and

WHEREAS, the Carter-Mondale ticket won the 1976 election, making Walter Mondale the 42nd Vice President of the United States, a position he held until 1981; and

WHEREAS, Vice President Mondale was a true partner to President Carter and played an active role in domestic and international policy, and for that reason is widely recognized as

having transformed the role of Vice President of the United States into what it is today; and

WHEREAS, during his time as vice president, Vice President Mondale advocated for labor policies that helped the unemployed, supported affirmative action, played a role in negotiating the Camp David Accords and the Panama Canal treaty ratification, opposed apartheid in South Africa, and worked to resettle Vietnam War refugees; and

WHEREAS, Vice President Mondale secured the Democratic nomination for President in 1984, in part due to his victory in the New Jersey presidential primary, and made history by selecting Representative Geraldine A. Ferraro of New York as his running mate, which made Representative Ferraro the first woman to be on a major party national ticket; and

WHEREAS, Vice President Mondale served as President Bill Clinton's Ambassador to Japan from 1993 to 1996 and Special Envoy to Indonesia in 1998; and

WHEREAS, I had the privilege of meeting Vice President Mondale more than 15 years ago, when I served as National Finance Chair of the Democratic National Committee, and am honored to have counted him as a friend; and

WHEREAS, Vice President Mondale remained actively engaged in politics and public service into his nineties; and

WHEREAS, Joan Mondale, Vice President Mondale's wife, died in 2014, and Eleanor Mondale Poling, his daughter, died in 2011; and

WHEREAS, Vice President Mondale passed away at the age of 93 on April 19, 2021, in Minneapolis; and

WHEREAS, Vice President Mondale is survived by, among others, his two sons, four grandchildren, and two step-granddaughters; and

WHEREAS, Vice President Mondale will be sorely missed not only by his family, friends, and colleagues, to whom he bade farewell in a letter before his death, but also by all of the people of the United States, in service of whom he dedicated his career; and

WHEREAS, it is with immense sadness and gratitude we mourn the passing of Vice President Mondale, who brought humor, dignity, kindness, and honesty to his many decades of public service; and

WHEREAS, President Biden, with whom Vice President Mondale served in the U.S. Senate, has issued a proclamation ordering that the flag of the United States be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions, and at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations, until sunset, on the day of interment;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall remain at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours until sunset on the day of interment, consistent with federal law and directives, in recognition and mourning of a passionate, committed, lifelong public servant, Vice President Walter Mondale.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
21<sup>st</sup> day of April,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 237**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223,

No. 225, and Nos. 228-235 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months; and

WHEREAS, Executive Order No. 149, issued May 30, 2020, permitted youth summer camps to operate starting June 15, but prohibited residential and overnight camps from operating; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, given the recent decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's vaccination plan, described more fully below, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the Centers for Disease Control and Prevention continues to emphasize that outdoor environments pose less risk than indoor environments; and

WHEREAS, youth summer camps provide our workforce with necessary alternatives to child care; and

WHEREAS, heightened health and safety protocols can be instituted for summer camps to ensure an environment that would limit spread of COVID-19; and

WHEREAS, the State has significantly more robust testing capacity than it did during the spring and summer months of 2020, so that testing can now be a useful tool in permitting overnight camps to reopen for the 2021 season; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered over 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including strict health and safety standards for summer camp operations, and will continue to be appropriate through the summer months, as the younger populations engaging in camp activities will likely not have access to the vaccine at the time; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. "Youth summer camps," for purposes of this Order, shall include youth day camps required to be licensed pursuant to N.J.S.A. 26:12-1 et seq., facilities operating programs as described in N.J.S.A. 30:5B-3(b)(4), and other entities that provide daily multi-hour programming for youths, without regard to whether the program is subject to the certification requirements pursuant to N.J.S.A. 26:12-1, et seq., including youth programs operated by municipal agencies. This shall not include summer educational programming that is offered to students by a Local Education Agency.

2. Youth summer camps, including residential and overnight camps, are permitted to operate provided that they comply with the 2021 COVID-19 Youth Summer Camp Standards and other applicable

statutes, regulations, and Executive Orders. Nothing in this Order shall be construed to impact youth staying overnight at recreational campgrounds operating in accordance with Executive Order No. 148 (2020), to the extent such overnight stays are otherwise permitted. Paragraphs 5 - 12 of Executive Order No. 149 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order.

3. Youth camp operators, as defined by N.J.S.A. 26:12-3, wishing to operate a youth camp, may do so only if they have submitted an application for a certificate of approval, or renewal thereof, to operate the camp, as required by N.J.S.A. 26:12-6 and -7.

4. Any youth summer camp that fails to adhere to the COVID-19 Youth Summer Camp Standards is subject to closure by the Commissioner of DOH pursuant to N.J.S.A. 26:13-8.

5. Any actions taken by the Commissioner of DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

6. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

7. 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 in all matters concerning this Order.

8. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

9. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

10. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
28<sup>th</sup> day of April,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 238**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 has continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235 and No. 237 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit; and

WHEREAS, though the State experienced significant upticks in case numbers throughout the fall and early winter, necessitating tightening of certain business and gathering restrictions, key metrics have again improved over the past months; and

WHEREAS, the current outdoor gatherings limit is set at 200 individuals, with certain limited exceptions; and

WHEREAS, Executive Order No. 234 (2021) stated that all athletic practices and competitions conducted outdoors are subject to the 200-person limit, but that athletes, coaches, trainers, and other individuals necessary for the practice or competition are not included in the number of individuals present; and

WHEREAS, that Order also permitted certain catered private events to proceed at 35 percent of the capacity of the room in which they take place, up to 150 persons; and

WHEREAS, Executive Order No. 234 (2021) increased the capacity for larger venues to 30 percent outdoors, and lowered the threshold for a venue to be considered large to 2,500 fixed seats from 5,000; and

WHEREAS, Executive Order No. 157 (2020) required any establishment open to the public to cordon off indoor and outdoor dance floors to the public; and

WHEREAS, Executive Order No. 194 (2020) prohibited bar seating in the indoor premises of food and beverage establishments; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the rate of transmission have decreased significantly over the past few weeks; and

WHEREAS, given the recent decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's vaccination plan, described more fully below, the State can take deliberate, incremental steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to emphasize that outdoor environments pose less risk than indoor environments, so that we can significantly increase the outdoor gathering limit to encourage outdoor activities as the weather warms; and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits; and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general gathering limit while following health and safety protocols; and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, and involve an overseeing entity capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the

same capacity as weddings, funerals, and similar events with a higher indoor capacity limitation; and

WHEREAS, because of the structured nature of these events, we can similarly permit dance floors, while leaving restrictions in place for food and beverage establishments generally; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility; and

WHEREAS, indoor bar service can resume with certain health and safety protocols in place to lessen the risk of spread between patrons and bartenders at restaurants and bars; and

WHEREAS, the CDC has stated that contact with contaminated surfaces and handling and consuming food are not the primary methods by which COVID-19 is spread, so that self-service food and drink can be permitted at food and beverage establishments, as we previously allowed in retail businesses, with certain restrictions in place; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered over 7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 1 of Executive Order No. 234 (2021) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 500 persons or fewer. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons. All other requirements for outdoor gatherings

contained in Paragraph 1 of Executive Order No. 161 (2020), including the requirements of Paragraph 2 of Executive Order No. 152 (2020) incorporated by reference therein, shall remain in effect.

2. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 500 persons, unless the outdoor entertainment venue has a fixed seating capacity of 1,000 persons or greater as described in Paragraph 5 of this Order. Paragraph 2 of Executive Order No. 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

3. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 500 persons, excluding the venue's staff. Paragraph 6 of Executive Order No. 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

4. All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors are subject to the outdoor gathering limit of 500 persons. Athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition

are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. All other individuals, including spectators, must be limited to 500 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply. Paragraph 3 of Executive Order No. 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

5. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 50 percent of the stated maximum capacity of any outdoor area where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions. This paragraph shall apply to events, including sports competitions and performances, that take place in sports and entertainment venues with a fixed seating capacity of 1,000 persons or greater. Paragraph 9 of Executive Order No. 234 (2021) is superseded to the extent that it conflicts with the provisions of this Order.

6. The number of individuals at indoor gatherings that are political activities, wedding ceremonies, wedding receptions, funerals, or memorial services shall be limited to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than

250 persons or smaller than 25 persons, excluding staff of the gathering venue. For purposes of this Order, any private residence or residential unit shall be treated as a single "room." Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings in indoor settings are not subject to the capacity limits on indoor gatherings in this or any other applicable Executive Order. Paragraph 2 of Executive Order No. 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

7. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 50 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons or larger than 250 persons, excluding the venue's staff. Paragraph 5 of Executive Order No. 234 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

8. All indoor gatherings, including wedding receptions and catered events in indoor and outdoor settings, must continue to follow all applicable requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No. 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No. 152 (2020).

9. Dance floors shall be permitted to open for indoor and outdoor celebrations or similar private catered events, as described in Paragraphs 3 and 6 of this Order. All individuals

using the dance floor must wear a face mask at all times except where the individual is under two years of age. All attendees on the dance floor are required to be six feet apart from the other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners, as well as excluding individuals organizing or maintaining the gathering. Paragraph 9 of Executive Order No. 157 (2020) is hereby superseded to the extent that it conflicts with the provisions of this Order.

10. Food and beverage establishments are permitted to seat patrons at indoor bar areas, consistent with the requirements of Paragraph 1 of Executive Order No. 183 (2020), and guidance provided by DOH. Paragraph 2 of Executive Order No. 194 (2020) is hereby rescinded. In-person service to patrons standing in bar areas continues to be prohibited.

11. Food and beverage establishments, as defined by Executive Order No. 183 (2020) are permitted to offer self-service food, such as buffets and salad bars, subject to the protocols outlined in the New Jersey DOH's "Health and Safety Standards for Indoor Dining." Paragraph 1 of Executive Order No. 183 (2020) is hereby superseded to the extent that it conflicts with the provisions of this Order.

12. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

13. 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 in all matters concerning this Order.

14. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

15. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

16. This Order shall take effect at 6:00 a.m. on Friday, May 7, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
3<sup>rd</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 239**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, and 231, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, and April 15, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225,

Nos. 228-235 and Nos. 237-238 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit; and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No. 183, with strict health and safety protocols in place, including limiting the number of patrons to 25 percent of the establishment's stated maximum capacity; and

WHEREAS, Executive Order No. 157 (2020) permitted certain recreation and entertainment businesses, to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation; and

WHEREAS, Executive Order No. 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed by the Division of Gaming Enforcement and New Jersey Racing Commission; and

WHEREAS, Executive Order No. 181 (2020), permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity; and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020); and

WHEREAS, Executive Order No. 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity; and

WHEREAS, Executive Order No. 219 (2021) increased the indoor capacity for the aforementioned businesses from 25 percent to 35 percent; and

WHEREAS, Executive Order No. 230 (2021) again increased indoor capacity for certain businesses to 50 percent; and

WHEREAS, the current indoor gatherings limit is set at 25 persons and the current outdoor gatherings limit is set at 500 persons, with certain limited exceptions; and

WHEREAS, Executive Order No. 234 (2021) stated that all athletic practices and competitions conducted outdoors are subject to the 200-person limit, but that athletes, coaches, trainers, and other individuals necessary for the practice or competition are not included in the number of individuals present; and

WHEREAS, that Order also permitted certain catered private events to proceed at 35 percent of the capacity of the room in which they take place, up to 150 persons; and

WHEREAS, Executive Order No. 234 (2021) increased the capacity for larger venues to 30 percent outdoors, and lowered the threshold for a venue to be considered large to 2,500 fixed seats from 5,000; and

WHEREAS, Executive Order No. 238 (2021) most recently increased the capacity for larger entertainment and sports venues with 1,000 fixed seats or more to 50 percent outdoors, and increased the indoor capacity for catered events to 50 percent of the room in which they take place, up to 250 persons; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased significantly over the past few weeks; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the Center for Disease Control and Prevention ("CDC") has maintained that physical distance of six feet or more is a critical tool in reducing risk in both indoor and outdoor environments, with limited exceptions for K-12 educational settings; and

WHEREAS, it is appropriate to eliminate capacity restrictions on indoor and outdoor businesses and instead utilize physical distancing requirements to limit occupancy in these settings; and

WHEREAS, indoor gatherings are more likely to involve a group of individuals present in a shared space for an extended period of time than businesses in the course of normal operations, and are more likely to involve individuals interacting with each other, so that it is necessary to maintain numerical restrictions on these gatherings in indoor settings at this time; and

WHEREAS, gatherings at private residences are typically more informal than events organized by a commercial entity, so that it is more difficult to enforce health and safety protocols; and

WHEREAS, certain gatherings, including religious services and political activities, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits; and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the COVID-19 pandemic, which has heightened feelings of stress and social isolation, and thus

can exceed the general gathering limit while following health and safety protocols; and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, which typically happen once in a lifetime, provide benefits to the well-being of the participants such that they can be treated differently from casual social gatherings such as house parties, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, and involve an overseeing entity capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity as weddings, funerals, and similar events with a higher indoor capacity limitation; and

WHEREAS, the CDC has continued to emphasize that outdoor environments pose a lesser risk of transmission of the virus than indoor environments, so that New Jersey can entirely remove the outdoor gathering limit so long as social distancing and other protective measures remain in place; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered nearly 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Restaurants, cafeterias, dining establishments, including private, non-profit clubs, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred

to as "food or beverage establishments," that are permitted to offer in-person service in indoor areas are not subject to any percentage-based capacity limit but shall limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table. Food and beverage establishments must continue to ensure that tables in indoor areas where individuals or groups are seated are six feet apart in all directions from any other table or seat. Patrons at indoor bar areas may be seated closer than six feet to each other if they arrived as part of the same group, but that group must be six feet apart from other patrons or groups. Where six feet of distance is not possible, establishments must erect barriers between tables or at the bar pursuant to DOH's "Health and Safety Standards for Indoor Dining." Paragraph 10 of Executive Order No. 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Paragraph.

2. The following businesses that are open to the public are not subject to any percentage-based capacity limit but shall limit occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart:

- a. Indoor premises of retail establishments;
- b. Indoor premises of personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020);
- c. Indoor premises of "health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the

public pursuant to Paragraph 1 of Executive Order No. 181 (2020);

- d. Indoor and outdoor premises of recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No. 157 (2020), including amusement and water parks; and
- e. Indoor premises of casinos, including casino gaming floors and retail sports wagering lounges.

Paragraph 7 of Executive Order No. 157 (2020) and Paragraphs 11 - 14 of Executive Order No. 230 (2021) are hereby superseded to the extent that they conflict with the provisions of this Paragraph.

3. The number of individuals at indoor social gatherings at private residences or social gatherings in a public space that are not overseen by an operating entity, and that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services, shall be limited to 50 persons per room. For purposes of this Order, any private residence or residential unit shall be treated as a single "room." The numerical limits on indoor gatherings in Executive Order No. 230 (2021) are hereby superseded.

4. The number of individuals at indoor gatherings that are political activities, wedding ceremonies, wedding receptions, funerals, memorial services, or Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meetings of an addiction support group shall not exceed 250 persons per room, excluding staff of the gathering venue. For purposes of this Order, any private residence or residential unit shall be treated as a single "room." Paragraphs 2 and 4 of Executive Order No. 230 (2021) are hereby superseded to the extent that they conflict with the

provisions of this Order. Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.

5. The number of individuals at any commercial gathering and other gatherings hosted in a public space by an operating entity, including, but not limited to, trade expositions, conferences, and events hosted by senior centers, shall not exceed 250 persons per room, excluding staff of the gathering venue.

6. The number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, are not subject to any percentage-based capacity limit but shall limit occupancy in indoor areas to a number that ensures that all individuals or groups can remain six feet apart. Paragraph 3 of Executive Order No. 230 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

7. Entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public, must limit the number of patrons in any indoor room where a performance is viewed or given to 250 persons, excluding the entertainment center's employees. The other requirements outlined in Paragraph 2 of Executive Order No. 183 (2020) continue to apply. Paragraph 6 of Executive Order No. 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Paragraph.

8. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events to 250 persons per room, excluding the venue's staff. Paragraph 7 of Executive Order No. 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

9. No indoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules:

- a. All attendees at the gathering must wear face coverings at all times except where doing so would inhibit the individual's health, where the individual is under two years of age, or when wearing a face covering is impracticable, such as when an individual is eating, drinking, or smoking; and
- b. All attendees at the gathering are required to be six feet apart from other attendees at all times, excluding those with whom an attendee has a close personal relationship, such as immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering.

10. All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted indoors are subject to the indoor gathering limit of 250 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 250 persons, except that individuals necessary for the sporting event may exceed the 250-person limit. Paragraphs 17 and 19 of Executive Order No. 230 (2021) and Administrative Order No. 2021-01 are hereby superseded to the extent that they conflict with the provisions of this Paragraph.

11. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any room where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together but must be six feet away from all other groups or individuals in all directions. This paragraph shall apply to events, including collegiate, youth, and professional sports competitions, that take place in sports and entertainment

venues with a fixed seating capacity of 1,000 persons or greater. Paragraph 8 of Executive Order No. 234 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

12. Paragraph 1 of Executive Order No. 238 (2021) regarding the numerical limit on outdoor gatherings is hereby rescinded. No outdoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules:

- a. All attendees at the gathering are required to be six feet apart from other attendees, excluding those with whom an attendee has a close personal relationship, such as immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering;
- b. Where the outdoor gathering is a religious service or political activity, such as a protest, the gathering is not required to comply with Paragraph 12(a) of this Order; and
- c. All individuals at the gathering should wear face coverings at all times where other social distancing measures are difficult to maintain, in accordance with CDC recommendations, except where doing so would inhibit the individual's health or where the individual is under two years of age, and all attendees must wear such face coverings where required by another Executive Order.

13. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals or groups can remain six feet apart. Paragraph 2 of Executive Order No. 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

14. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals or groups can remain six feet apart. Paragraph 3 of Executive Order No. 238 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

15. All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors must limit the number of attendees who are not athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition to a number that ensures the individuals or groups can remain six feet apart. Paragraph 4 of Executive Order No. 238 (2021) and Administrative Order No. 2020-22 are hereby superseded to the extent that they conflict with the provisions of this Order.

16. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public must

limit attendance to a number that ensures the attendees or groups of attendees can remain six feet apart. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions. This paragraph shall apply to events, including sports competitions and performances, that take place in sports and entertainment venues with a fixed seating capacity of 1,000 persons or greater. Paragraph 5 of Executive Order No. 238 (2021) is superseded to the extent that it conflicts with the provisions of this Order.

17. Paragraphs 5 and 6 of Executive Order No. 194 (2020) are hereby rescinded, and indoor interstate youth sports competitions, as defined in that Order, are permitted to resume subject to the limitations on capacity for such indoor competitions and the DOH's "Guidance for Sports Activities."

18. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

19. 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 in all matters concerning this Order.

20. 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 or might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

21. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

22. This Order shall take effect at 6:00 a.m. on Wednesday, May 19, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
12<sup>th</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 240**

WHEREAS, on March 9, 2020, through Executive Order No. 103 , the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-239 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 181, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 219, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 17, 2021, I issued Executive Order No. 231, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on April 15, 2021, I issued Executive Order No. 235, which declared that the Public Health Emergency declared in Executive Order No. 102 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 181, 186, 191, 200, and 210 (2020), and Nos. 215, 222, 231, and 235 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan (the "Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease

transmission risk and essential classification; and

WHEREAS, in line with the Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not in any way suggest that the ongoing Public Health Emergency had dissipated, because absent social distancing measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, since the Public Health Emergency was renewed on April 15, 2021, at which time there were over 845,201 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of May 14, 2021, according to the World Health Organization, there were over 160,686,749 confirmed cases of COVID-19 worldwide, with over 3,335,948 of those cases having resulted in death; and

WHEREAS, as of May 13, 2021, according to the Centers for Disease Control and Prevention ("CDC"), there were over 32,643,851 confirmed cases of COVID-19 in the United States, with over 580,837 of those cases having resulted in death; and

WHEREAS, as of May 13, 2021, there were over 881,991 positive cases of COVID-19 in New Jersey, with at least 23,257 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, while the rate of reported new cases across all counties has decreased over the past weeks, New Jersey continues to see cases in every county and a significant number of deaths, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased considerably over the past few weeks; and

WHEREAS, given the decisive decreases in these key statistics, the State has taken more steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the CDC has indicated that vaccinated individuals can engage in activities more safely than unvaccinated individuals; and

WHEREAS, New Jersey has administered nearly 8 million doses of the COVID-19 vaccine in the State to date; and

WHEREAS, even with these improvements and the State's continued rollout of its vaccination program, it is still necessary to maintain mitigation protocols to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to allow the State to continue with the Plan to allow for the methodical and strategic reopening of the State, consistent with the State's authority under the EHPA; and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., continues to exist throughout the State of New Jersey, and I hereby ORDER and DIRECT:

1. All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect.

2. All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, or in whole or in part based on authority delegated by any Executive Orders described in Paragraph 1 of this Order, including but not limited to any Administrative Orders, remain in full force and effect.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any

agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
14<sup>th</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 241**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 231, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-240

(2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit; and

WHEREAS, Executive Order No. 163, issued July 8, 2020, requires individuals to wear masks in outdoor public spaces where social distancing is not practicable, with limited exceptions; and

WHEREAS, Executive Order No. 192, issued October 28, 2020, required workers and visitors on worksites, whether indoors or outdoors, to wear masks with limited exceptions; and

WHEREAS, in connection with these Orders, agency orders, directives, and guidance have imposed additional masking requirements in outdoor and indoor settings; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have decreased significantly over the past few weeks; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that vaccinated individuals may be able to forgo masking and social distancing in certain indoor and outdoor environments; and

WHEREAS, the CDC has continued to emphasize that outdoor environments pose a lesser risk of transmission of the virus than indoor environments; and

WHEREAS, federal public health officials have emphasized the ability and potential importance of state governments to maintain local mask mandates to prevent increases of infection; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered approximately 8 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey, and as of April 19, 2021, has deemed all individuals ages 16 and older as eligible to receive the vaccine; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access; and

WHEREAS, the State can lift the outdoor mask mandate in light of this new CDC guidance and our progress on both COVID-19 metrics and vaccine administration; and

WHEREAS, though New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain certain mitigation protocols, including social distancing, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, infants and children up to age 11 are not currently eligible for vaccination, and are not anticipated to become eligible until the fall, so that it is appropriate to exercise additional caution in settings that involve that population in outdoor spaces; and

WHEREAS, the CDC's new guidance on masking maintains that all individuals should continue to wear masks in certain high-traffic settings and in healthcare settings; and

WHEREAS, different masking rules for vaccinated and unvaccinated individuals would mean that business owners and frontline workers would bear the burden of distinguishing between vaccinated and unvaccinated patrons; and

WHEREAS, in the absence of a vaccine "passport" or other type of verification system, it would be difficult to ensure that unmasked individuals who enter businesses are actually vaccinated; and

WHEREAS, even beyond the question of entry, it is virtually impossible to ensure any type of compliance with a mandate that applies to some individuals but not others in a crowded indoor environment; and

WHEREAS, lifting the indoor mask mandate at this time would unnecessarily endanger frontline workers and could lead to a rise in transmission among individuals not yet fully vaccinated, including those such as children who are either not eligible or who have just become eligible for vaccination; and

WHEREAS, the more responsible and appropriate course of action is to keep the indoor mask mandate in place as we continue to further reduce the spread of the virus and make significant progress towards our vaccination goals; and

WHEREAS, in the coming weeks, we expect to make enough progress on both fronts to be able to safely lift the indoor mask mandate; and

WHEREAS, it is reasonable to permit individuals at small gatherings in their private residences to attend without requiring masks, where participants are often familiar with each other and can make informed decisions about attending an event based on vaccination status or other factors; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Individuals in outdoor public spaces are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups, and regardless of their vaccination status. Paragraph 1 of Executive Order No. 163 (2020) is hereby rescinded. Paragraph 12 of Executive Order No. 239 (2021) and Paragraph 1 of Executive Order No. 192 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order regarding masking in outdoor public spaces. Employers and entities are permitted to impose stricter requirements regarding mask-wearing in outdoor settings for employees, customers, guests, or other individuals. The provision in Executive Order No. 239 (2021) requiring six feet of distance between attendees at an outdoor gathering, with certain limited exceptions, remains in effect.

2. In addition, for purposes of Paragraph 1 of this Order, "outdoor public spaces" do not include child care centers, other child care facilities, youth summer camps, and public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, which continue to be governed by Executive Orders No. 149 (2020), No. 175 (2020), and No. 237 (2021), and any applicable standards issued by the Commissioner of the DOH.

3. This Order shall not supersede masking requirements currently in place in outdoor spaces in healthcare settings and at congregate facilities such as long-term care facilities and State correctional facilities.

4. As provided for in Executive Order No. 192 (2020), all individuals shall continue to wear face coverings in indoor workplaces, subject only to exceptions that have previously existed, such as when employees are at distanced workstations or in their own offices.

5. As provided for in Executive Order No. 192 (2020), Executive Order No. 240 (2021), and any other Executive Order or agency order or directive that outlines protocols for indoor public spaces, all individuals shall continue to wear face coverings in indoor public spaces, including but not limited to retail, recreational, and entertainment businesses, food or beverage establishments, and casinos, subject only to exceptions that have previously existed, such as when individuals are eating or drinking.

6. Individuals at gatherings in indoor private spaces that number fewer than 50 individuals are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups, and regardless of their vaccination status. Paragraph 9 of Executive Order No. 239 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order regarding masking.

7. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

8. 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 in all matters concerning this Order.

9. 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 or

might in any way interfere with or impede its achievement, except as otherwise provided in Executive Order No. 195 (2020).

10. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

11. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
17<sup>th</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 242**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223,

No. 225, Nos. 228-235, and Nos. 237-241 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed certain businesses, including recreational and entertainment businesses, and limited certain activities, including gatherings; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months, including increasing the indoor and outdoor gathering limit; and

WHEREAS, Executive Order No. 157 (2020) first outlined requirements for indoor and outdoor food and beverage establishments, including the requirement that groups be spaced six feet apart; and

WHEREAS, Executive Order No. 192 (2020) required workers and visitors on worksites to wear masks with limited exceptions and to practice social distancing, subject to certain conditions; and

WHEREAS, in connection with these Orders, agency orders, directives, and guidance have imposed additional masking and social distancing requirements in indoor settings; and

WHEREAS, all subsequent Executive Orders regarding restrictions on businesses and other facilities and on gatherings required individuals or groups of individuals to remain six feet apart in indoor and outdoor settings, with limited exceptions; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, over the last six weeks, the number of hospitalized patients has gone from over 2,300 to under 700, the number of patients in intensive care has gone from over 450 to under 150, and the number of ventilators in use has gone from over 230 to under 110; and

WHEREAS, over the last six weeks, the number of individuals testing positive for COVID-19 has gone from approximately 3,000 per day to approximately 600-700 per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under or slightly above 2 percent for the last four recorded days; and

WHEREAS, the rate of transmission in the State has remained below 1 for the past two weeks, has consistently trended downward over the past two months, and has recently dipped below 0.5; and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity; and

WHEREAS, the CALI Report for the week ending May 15, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April; and

WHEREAS, the State has not experienced a low activity level in any region since September of 2020; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that fully vaccinated individuals may be able to safely forgo masking and social distancing in certain indoor and outdoor environments; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4.7 million individuals; and

WHEREAS, the State has thus far administered approximately 8.7 million doses of COVID-19 vaccines, with over 4.7 million New Jerseyans having received at least one dose of a vaccine and over 4 million having been fully vaccinated; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and every individual age 16 and over has been eligible for five full weeks, meaning they have had time to get both doses of a two-shot vaccine; and

WHEREAS, since the issuance of Executive Order No. 241 (2021), which lifted the mask mandate in outdoor public spaces but retained masking requirements in indoor spaces, we have made and are projected to continue to make sufficient progress in reducing transmission in the State and in increasing our vaccination numbers to be able to safely lift the indoor mask mandate in most settings; and

WHEREAS, the State can also lift social distancing requirements in indoor and outdoor settings in light of new CDC guidance and our progress on both COVID-19 metrics and vaccine administration; and

WHEREAS, though unvaccinated individuals, in accordance with CDC recommendations, should continue wearing masks and social distancing, without knowing an individual's vaccination status it is not practicable to continue mandating such practices for a portion of the population; and

WHEREAS, though New Jersey continues to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols in certain settings to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, infants and children up to age 11 are not currently eligible for vaccination, and are not anticipated to become eligible until at least the fall, so that it is appropriate to exercise additional caution in settings that involve that population; and

WHEREAS, the CDC's guidance for K-12 operations notes that schools should continue to follow current mitigation protocols through the remainder of the 2020-2021 school year; and

WHEREAS, the CDC's new guidance on masking maintains that all individuals should continue to wear masks and social distance in certain high-traffic settings, such as transportation hubs, in congregate settings such as homeless shelters and correctional facilities, and in health care settings; and

WHEREAS, with the relaxation of social distancing requirements, it is reasonable to permit dance floors to reopen at food and beverage establishments; and

WHEREAS, similarly, we can now lift the restriction on valet parking and communal spaces in indoor malls; and

WHEREAS, the Director of the CDC has noted that decisions about indoor mask mandates should be made at the local level; and

WHEREAS, while New Jersey's statewide COVID-19 numbers have progressed far enough in the right direction so that we can safely relax the statewide indoor mask mandate, we know that there is considerable variation in vaccination rates among different localities, and for that reason it is appropriate to allow counties and municipalities to retain an indoor mask mandate if they so choose; and

WHEREAS, we expect that our vaccination progress and the steady decline in COVID-19 case numbers, hospitalizations, and other relevant metrics will continue over the next two weeks, so that we can reasonably lift the numerical limitations on indoor gatherings and the limitation on large venue indoor capacity at that time; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and

N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Effective Friday, May 28, 2021, individuals in indoor public spaces are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups. In accordance with CDC recommendations, individuals who are not fully vaccinated should continue to wear masks in indoor public spaces. Paragraph 4 of Executive Order No. 155 (2020), Paragraph 1 of Executive Order No. 192 (2020), Paragraph 11 of Executive Order No. 239 (2021), and Paragraph 5 of Executive Order No. 241 (2021) are hereby superseded to the extent that they conflict with the provisions of this Order. Employers and entities overseeing public spaces in settings where masking is no longer required pursuant to the provisions of the Paragraph are permitted to impose stricter requirements regarding mask-wearing in indoor settings for employees, customers, guests, and other individuals, where otherwise consistent with federal and State law. Employers and entities overseeing public spaces shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.

2. In addition, for purposes of Paragraph 1 of this Order, "indoor public spaces" do not include child care centers, other child care facilities, youth summer camps, and public, private, and parochial preschool program premises and elementary and secondary schools, including charter and renaissance schools,

which continue to be governed by Executive Orders No. 149 (2020), No. 175 (2020), and No. 237 (2021), and any applicable standards issued by the Commissioner of the DOH. Further, "indoor public spaces" do not include indoor worksites of employers, as defined in Executive Order No. 192 (2020), that do not open their indoor spaces to the public for purposes of sale of goods, attendance at an event or activity, or provision of services.

3. As provided for in Executive Order No. 192 (2020), all individuals shall continue to wear face coverings in indoor workplaces that are not "indoor public spaces," subject only to exceptions that have previously existed, such as when employees are at distanced workstations or in their own offices, and shall continue to maintain six feet of distance from others to the maximum extent possible, except in the circumstances described therein.

4. Effective Friday, May 28, 2021, the requirement in Paragraph 1 of Executive Order No. 239 (2021) and Paragraph 4 of Executive Order No. 157 (2020) that food or beverage establishments providing in-person service in indoor and/or outdoor areas limit capacity to a number that ensures all patrons can remain six feet apart is hereby rescinded. Food and beverage establishments are not required to seat individuals or groups of individuals six feet apart at tables or at indoor bar areas. Establishments with table service are permitted to allow patrons to place orders when not seated and to serve patrons who are not seated, and patrons may consume food or beverages while standing. Paragraphs 4 and 5 of Executive Order No. 157 (2020) and Paragraph 1 of Executive Order No. 183 (2020) are hereby superseded to the extent that they conflict with the provisions of this Order, except that establishments must continue to ensure all areas designated for food and/or beverage consumption are in conformance with

applicable local, State, and Federal regulations, and must continue to abide by all other current health and safety standards issued by the Commissioner of the Department of Health on indoor and outdoor dining, as may be updated in accordance with this Order and consistent with her authority under the EHPA.

5. Effective Friday, May 28, 2021, the following businesses that have opened their indoor and/or outdoor premises to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart:

- a. Retail establishments;
- b. Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020);
- c. "Health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No. 181 (2020);
- d. Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No. 157 (2020), including pools, amusement parks, and water parks;
- e. Casinos, including casino gaming floors and retail sports wagering lounges; and
- f. Racetracks.

The aforementioned businesses remain subject to any applicable directive, order, and/or guidance document issued by the Commissioner of the DOH or any other State agency, as may be updated in accordance with this Order. Paragraph 2 of Executive

Order No. 239 (2021) and Administrative Order No. 2020-14 are hereby rescinded.

6. Effective Friday, May 28, 2021, the requirement in Paragraph 9 of Executive Order No. 239 (2021) that all attendees at indoor gatherings, including but not limited to gatherings that are religious services, political activities, memorial services, commercial gatherings, gatherings at private residences, performances at entertainment centers where performances are viewed or given, catered events, and sports practices and competitions, are required to be six feet apart from other attendees, with certain exceptions, is hereby rescinded. Where an indoor gathering occurs in a workplace that is not a public space, as defined in Paragraph 2 of this Order, the facility must continue to follow the requirements of Executive Order No. 192 (2020) regarding social distancing. In accordance with CDC recommendations, individuals who are not fully vaccinated should continue to practice social distancing.

7. Effective Friday, May 28, 2021, sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public may continue to permit a number of patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any room without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart. Paragraph 11 of Executive Order No. 239 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

8. Degree-granting public and private institutions of higher education are not required to implement policies to provide for social distancing in classrooms, residence halls, restrooms, and other areas across campus. Executive Order No. 155 (2020) is

hereby superseded to the extent it conflicts with the provisions of this Order.

9. This Order shall not supersede any social distancing requirements for child care centers, other child care facilities, youth summer camps, and public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, which continue to be governed by Executive Orders No. 149 (2020), No. 175 (2020), and No. 237 (2021), and any applicable standards issued by the Commissioner of the DOH.

10. Effective Friday, May 28, 2021, the requirement in Paragraph 12 of Executive Order No. 239 (2021), as restated in Paragraph 1 of Executive Order No. 241 (2021), that all attendees at outdoor gatherings, including but not limited to religious services or celebrations, political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at outdoor entertainment centers, catered events, and athletic practices and competitions remain six feet apart from other attendees, with certain exceptions, is hereby rescinded.

11. Effective Friday, May 28, 2021, sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements for outdoor dining, as applicable. Paragraph 16 of

Executive Order No. 239 (2021) is superseded to the extent that it conflicts with the provisions of this Order.

12. Paragraph 3 of Executive Order No. 143 (2020) outlining restrictions for public and private beaches, boardwalks, lakes, and lakeshores is hereby rescinded.

13. This Order shall not supersede any masking or social distancing requirements currently in place in indoor or outdoor spaces in health care settings, including but not limited to long-term care facilities, home health care settings, and office-based health care settings, correctional facilities, homeless shelters, and on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in transportation hubs such as airports and stations.

14. Effective Friday, May 28, 2021, all establishments open to the public, including a food or beverage establishment, shall be permitted to open indoor and outdoor dance floors. Paragraph 9 of Executive Order No. 157 (2020) is hereby rescinded. The restrictions on dance floors at catered events outlined in Paragraph 9 of Executive Order No. 238 (2021) are hereby rescinded.

15. Effective Friday, May 28, 2021, valet parking and communal play areas are permitted to open at indoor malls. Administrative Order 2020-22 is hereby superseded to the extent that it conflicts with the provisions of this Order.

16. Effective Friday, June 4, 2021, paragraphs 3-5 and 7-8 of Executive Order No. 239 (2021) regarding the numerical limit on indoor gatherings, including but not limited to political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at indoor entertainment centers, catered events, and athletic practices and competitions, are hereby rescinded. As a result, there will be no limits applying to indoor gatherings.

17. Effective Friday, June 4, 2021, sports and entertainment venues, including concert venues and stadiums, with a fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public are not subject to any percentage-based capacity restriction, and are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements for indoor dining, as applicable. Paragraph 11 of Executive Order No. 239 (2021) is superseded to the extent that it conflicts with the provisions of this Order.

18. 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 or might in any way interfere with or impede its achievement, except that municipalities and counties are permitted under this Order to impose additional restrictions, in response to COVID-19, regarding mask requirements for individuals in indoor public spaces. This Order shall not supersede the provisions of Executive Order No. 108 (2020) that currently remain in effect, which includes the ability of municipalities and counties to impose additional restrictions on online marketplaces for arranging or offering lodging and on municipal parks, or the provisions of any Administrative Order that permits municipalities and counties to impose additional restrictions. Paragraph 3 of Executive Order No. 195 (2020) is hereby rescinded.

19. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

20. 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 in all matters concerning this Order.

21. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

22. Paragraphs 1 - 15, and 18 of this Order shall take effect at 6:00 a.m. on Friday, May 28, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

23. Paragraphs 16-17 of this Order shall take effect at 6:00 a.m. on Friday, June 4, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
24<sup>th</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 243**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-242 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed certain businesses and required that businesses and non-profits accommodate their workforce for telework wherever practicable; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, because of the progress we had made in our fight against the COVID-19 pandemic in New Jersey, I was able to announce a series of reopening steps over the course of several months; and

WHEREAS, Executive Order No. 192 (2020) instituted baseline health and safety protocols for employers with employees working on-site, including requiring masking of employees in indoor and outdoor spaces, with limited exceptions; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, over the last six weeks, the number of hospitalized patients has gone from over 2,300 to under 700, the number of patients in intensive care has gone from over 450 to under 140, and the number of ventilators in use has gone from over 230 to under 100; and

WHEREAS, over the last six weeks, the number of individuals testing positive for COVID-19 has gone from approximately 3,000 per day to approximately 500-700 per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under or slightly above 2 percent; and

WHEREAS, the rate of transmission in the State has remained below 1 for the past two weeks, and has consistently trended downward over the past two months; and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity; and

WHEREAS, the CALI Report for the week ending May 15, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April; and

WHEREAS, the State has not experienced a low activity level in any region since September of 2020; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, described more fully below, the State can take more significant steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEERAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4.7 million individuals; and

WHEREAS, the State has thus far administered over 8.7 million doses of COVID-19 vaccines, with over 4.7 million New Jerseyans having received at least one dose of a vaccine and over 4 million having been fully vaccinated; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access, and every individual age 16 and over has been eligible for five full weeks, meaning they have had time to get both doses of a two-shot vaccine; and

WHEREAS, because of the State's significant progress in vaccine administration and substantial improvement in its COVID-19 metrics, as highlighted in Executive Order No. 242 (2021), it is reasonable to lift the requirement that businesses and non-profits minimize their in-person workforce where they continue to abide by the applicable health and safety protocols outlined in Executive Order No. 192 (2020); and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently stated that fully vaccinated individuals may be able to safely forgo masking and social distancing in certain indoor and outdoor environments; and

WHEREAS, on May 12, 2021, the Governor issued Executive Order No. 239, which rescinded the requirement that employees wear masks at outdoor worksites; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continued success of the State's vaccination program, I issued Executive Order No. 242 (2021), which rescinded the

mask mandate in indoor public spaces, but retained the mandate in worksites subject to Executive Order No. 192 (2020) that are closed to the public; and

WHEREAS, though unvaccinated individuals, in accordance with CDC recommendations, should continue wearing masks and social distancing, without knowing an individual's vaccination status it is not practicable to continue mandating such practices for a portion of the population; and

WHEREAS, certain employers are better positioned to determine the vaccination status of their employees than they are to determine the status of customers, visitors, and other authorized individuals to their premises, while others may be prepared to ascertain status of all individuals entering their premises; and

WHEREAS, the Equal Employment Opportunity Commission has issued extensive guidance for employers to manage inquiries related to an employee's receipt of a COVID-19 vaccine; and

WHEREAS, similarly, businesses that are generally closed to the public and have limited visitors may reasonably be prepared to ascertain an individual's vaccination status, or to craft a policy that handles such visitors on a more individualized basis, as compared with a business that is generally open to the public and has the potential for high foot traffic in the normal course of its operations; and

WHEREAS, the CDC considers an individual fully vaccinated two weeks after their second dose in a two-dose series, or two weeks after a single-dose vaccine; and

WHEREAS, it is reasonable to permit employers who determine that an employee is fully vaccinated to allow that employee to enter the worksite without a mask, and to allow employers that oversee businesses that are not open to the public to establish their own policy regarding customers, visitors, and other authorized individuals to their premises; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraphs 10 and 11 of Executive Order No. 107 (2020) are hereby rescinded. Businesses and non-profits that require staff to report to a physical worksite must continue to follow the provisions of Executive Order No. 192 (2020), as applicable.

2. It is hereby clarified that employers, as defined in Executive Order No. 192 (2020), in workplaces that are not open to the public per Executive Order No. 242 (2021) are not mandated to require employees to wear face masks or social distance at the worksite where the employee provides proof that they are fully vaccinated, as defined by the CDC, and in accordance with federal and State law. Where an employer is unable to determine the individual's vaccination status or the individual is not fully vaccinated, employers must continue to require those employees to wear masks and practice social distancing in indoor spaces in accordance with Paragraph 3 of Executive Order No. 242 (2021) and Paragraph 1 of Executive Order No. 192 (2020). Employers in settings where masking and social distancing is no longer required pursuant to the provisions of this Paragraph are permitted to impose stricter requirements regarding mask-wearing and social distancing in indoor settings for employees, where otherwise consistent with federal and State law. Employers shall not restrict individuals from wearing masks in those

settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.

3. It is hereby clarified that employers, as defined in Executive Order No. 192 (2020), in workplaces that are not open to the public per Executive Order No. 242 (2021) are permitted to allow customers, visitors, and other authorized individuals to enter the worksite without requiring use of a mask or adherence to social distancing, regardless of their vaccination status. Employers may establish a policy that requires customers, visitors, and similar individuals entering a worksite to wear a mask and/or social distance, but such policy on masking must comply with the requirements of Paragraph 1(b)(ii) of Executive Order No. 192 (2020). Employers shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.

4. It is hereby clarified that Executive Orders No. 239 and 242 (2021) and this Order do not supersede all other requirements on employers outlined in Executive Order No. 192 (2020), including the daily health checks described in Paragraph 1(f).

5. 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 or might in any way interfere with or impede its achievement.

6. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

7. 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 in all matters concerning this Order.

8. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

9. This Order shall take effect at 6:00 a.m. on Friday, June 4, 2021, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this  
26<sup>th</sup> day of May,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 244**

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-243 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a public health emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 180, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 215, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 17, 2021, I issued Executive Order No. 231, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on April 15, 2021, I issued Executive Order No. 235, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 14, 2021, I issued Executive Order No. 240, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, and 210 (2020), and Nos. 215, 222, 231, 235, and 240 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Road Back Plan") for the methodical

and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Road Back Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not previously suggest that the Public Health Emergency had dissipated, because absent certain mitigation measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allowed the State to lift most restrictions, with exceptions for certain settings of higher concern; and

WHEREAS, over the last two months, the number of hospitalized patients has gone from over 2,300 to under 500, the number of patients in intensive care has gone from over 450 to under 100, and the number of ventilators in use has gone from over 230 to under 65; and

WHEREAS, over the two months, the number of individuals testing positive for COVID-19 has gone from approximately 3,500 per day to several hundred per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under 2 percent; and

WHEREAS, the rate of transmission in the State has remained significantly below 1 for most of the last two months; and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity; and

WHEREAS, the CALI Report for the week ending May 29, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4.7 million individuals; and

WHEREAS, the State has thus far administered approximately 9 million doses of COVID-19 vaccines, with over 4.9 million New Jerseyans having received at least one dose of a vaccine and over 4.2 million having been fully vaccinated; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently issued guidance regarding social distancing and masking measures that reflects the low probability that fully vaccinated individuals will transmit the virus and emphasizes the significant protection against severe illness that the vaccine provides individuals; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, the State has now lifted the vast majority of restrictions that were designed to reduce transmission and spread of the virus; and

WHEREAS, despite the extensive progress made in combatting COVID-19, there remains an ongoing threat necessitating that certain actions taken pursuant to the powers granted under the EHPA, including vaccine management, administration and tracking, remain in place; and

WHEREAS, ongoing oversight of the State's vaccination program is particularly important as the rollout continues, as the State prepares for additional groups of New Jerseyans to become eligible for vaccination, and as the State prepares for the potential necessity of booster doses in the future; and

WHEREAS, the CDC continues to highlight certain settings, including schools and health care facilities, as places where mitigation protocols are necessary; and

WHEREAS, the CDC also continues to release updated recommendations regarding mitigation protocols that may require the State to modify current policies and protocols; and

WHEREAS, in light of that ongoing need, I have just signed Assembly Bill No. 5820, which ensures that essential authorities, including the power of State agencies to modify existing emergency Orders and issue new Orders for certain purposes, can continue after the termination of the Public Health Emergency declared in Executive Order No. 103 (2020) to avoid disruption in New Jersey's emergency response; and

WHEREAS, neither the legislation nor this Order diminish the existing authorities of State agencies, separate and apart from any emergency powers; and

WHEREAS, the legislation also extends the effective period for specified Executive Orders issued pursuant to Executive Order No. 103 (2020) authorities, including but not limited to Orders regarding statutory and regulatory deadline extensions that are critical to wind down in a measured and thoughtful manner; and

WHEREAS, in light of this legislation becoming law, the Public Health Emergency declared in Executive Order No. 103 (2020) can be safely and responsibly lifted; and

WHEREAS, while the State has effectively curtailed the immediate public health threat of the virus, the economic and social impacts of the virus will require ongoing management and oversight; and

WHEREAS, the State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. must remain in effect to allow for the continued management of New Jersey's recovery from and response to the COVID-19 pandemic;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM:

1. The Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., is hereby terminated.

2. The State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. continues to exist in the State of New Jersey.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
4<sup>th</sup> day of June,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 245**

WHEREAS, Private First Class Dalton Beals, 19, was a resident of Pennsville, New Jersey; and

WHEREAS, Pfc. Beals graduated in 2020 from Pennsville Memorial High School, where he was a member of the football, wrestling, and track teams; and

WHEREAS, Pfc. Beals was participating in training at Marine Corps Recruit Depot in Parris Island, South Carolina, where he was a part of Echo Company, Platoon 2040; and

WHEREAS, Pfc. Beals was expected to graduate on June 18, 2021, just two weeks after his tragic passing; and

WHEREAS, Pfc. Beals was a beloved son and brother, whose presence will be missed by his family, his friends, his fellow servicemembers, and by the people of New Jersey whom are grateful for his service; and

WHEREAS, it is with immense sadness that we mourn Pfc. Beals's sudden passing, and extend our deepest sympathy to his family, friends, fellow classmates, and instructors; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Pfc. Beals, and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 9, 2021, in recognition and mourning of a courageous and loyal American Marine, Private First Class Dalton Beals.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
8<sup>th</sup> day of June,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 246**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act (the "Disaster and Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and

Nos. 237-243 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, not terminate service due to inability to pay because of disruptions caused by COVID-19 through June 30, 2020; and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities ("BPU") issued an order, Dkt. No. EO20030254, emphasizing the critical need to maintain essential services for New Jersey residents throughout the pandemic, and permitting broadband internet providers to continue to establish new connections and repair existing service for homes with school-aged children, those in need of internet access to meet job requirements, or other priority customers; and

WHEREAS, Executive Order No. 126 (2020) prohibited cable and telecommunications providers that provide residential internet and voice services to New Jersey residents from terminating such internet and voice service due to nonpayment to ensure that residents maintained sufficient residential internet and voice services to work and further their education in a home environment; and

WHEREAS, recognizing that access to heat, power, and clean water are essential to New Jersey residents as they stay, work, and learn at home in response to COVID-19, all gas and electric utilities in the State, as well as all privately and publicly owned water systems, voluntarily suspended service shutoffs due to nonpayment through October 15, 2020; and

WHEREAS, on August 13, 2020, I issued Executive Order No. 175, allowing public school districts to offer partial remote instruction, as well as full-time remote instruction under certain circumstances; and

WHEREAS, on October 15, 2020, I issued Executive Order No. 190, prohibiting a gas or electric public or municipal utility or privately or publicly owned water system from discontinuing any gas, electric, or water service to a New Jersey resident and from charging a fee for late or untimely payment; and

WHEREAS, Executive Order No. 190 (2020) further prohibited a cable or telecommunication provider that provides residential internet and voice services to New Jersey residents from terminating such internet or voice service due to nonpayment prior to November 15, 2020, and prohibited disconnection of internet or voice service due to nonpayment after November 15, 2020 if the service was used by one or more school-aged children for educational purposes; and

WHEREAS, Executive Order No. 190 (2020) also prohibited cable or telecommunications providers from imposing late fees, penalties, or reconnection costs as a condition of maintaining service; and

WHEREAS, on March 3, 2021, I issued Executive Order No. 229 extending the disconnection moratorium established in Executive Order No. 190 (2020), and all related protections provided therein, through June 30, 2021; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order No. 229 (2021), shall remain in effect until January 1, 2022; and

WHEREAS, P.L.2021, c.103 provides that the Governor may revoke or modify the listed Executive Orders, including Executive Order No. 229 (2021), prior to January 1, 2022; and

WHEREAS, the inclusion of this Order in P.L.2021, c.103 indicates a recognition that simply terminating the moratorium as of June 30, 2021, without any protections for residents would result in significant hardship for those who are facing utility arrearages; and

WHEREAS, in light of the termination of the Public Health Emergency, it is appropriate that the moratorium on gas, electric, water, and internet disconnections established in Executive Order No. 190 (2020) and continued in Executive Order No. 229 (2021) should come to an end, while still allowing a reasonable period of time during which individuals are protected while they try to address arrearages, including by applying to utility assistance programs; and

WHEREAS, since February 2021, the BPU has been holding public meetings and working groups on the impact of the COVID-19 pandemic on utility bill arrearages, public assistance programs, and related issues under Docket No. AO2006047; and

WHEREAS, as of April 30, 2021 (the most recent month for which data is available), approximately 830,000 New Jersey residents had gas and electric bills more than 30 days overdue with total gas and electric arrearages of approximately \$726 million; and

WHEREAS, as of the same date, there were also substantial arrearages in the water sector, and broadband internet arrearages were approximately \$75 million; and

WHEREAS, despite the end of the Public Health Emergency, many New Jersey residents may continue to experience obstacles to their ability to make payments for gas, electric, water, or internet services, including, but not limited to, financial hardship stemming from the Public Health Emergency, lack of access to in-person consumer assistance services during the Public Health Emergency, and lack of awareness of available assistance programs; and

WHEREAS, access to heat, power, and clean water remains essential to all New Jersey residents; and

WHEREAS, it is critical that, when the utility disconnection moratorium ends, customers are given adequate time to access assistance, enroll in repayment plans, and marshal resources for repayment before being subject to disconnection; and

WHEREAS, it is also critical that, when the moratorium ends, the State and its departments, agencies, authorities and entities, as well as the private and public utilities that serve New Jersey residents, identify and make available resources to assist customers facing financial hardship and make a concerted effort to connect customers with assistance programs; and

WHEREAS, the State has recently received \$6.2 billion in federal funding under the American Rescue Plan Act of 2021 ("ARPA"), and under the interim final rule promulgated by the U.S. Department of the Treasury, assistance to households, including utility assistance, is an eligible use of this funding; and

WHEREAS, the establishment of a grace period beyond June 30, 2021, will give the State the opportunity to distribute ARPA funding to help residents facing utility arrearages, should it choose to do so; and

WHEREAS, this Order is a modification of Executive Order No. 229 (2021), and thus consistent with P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The utility shutoff moratorium established in Executive Order No. 229 (2021) is terminated effective July 1, 2021.

2. For all New Jersey residents who were protected from the discontinuance of gas, electric, water, or internet service pursuant to Executive Order No. 229 (2021), a grace period shall be in effect from July 1, 2021 through December 31, 2021.

3. During the grace period, no gas or electric public or municipal utility or privately or publicly owned water system shall discontinue any gas, electric, or water service to New Jersey residents, which includes all residential accounts and any accounts primarily serving residential customers, due to nonpayment unless the disconnection is to prevent or ameliorate a risk to public health or safety.

4. During and after the termination of the grace period, no gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued during the Public Health Emergency and moratorium or that continue to accrue during the grace period.

5. During the grace period, no cable or telecommunications provider may disconnect the internet service provided to a residential account that is in effect as of the effective date of this Order that one or more school-aged children utilize for educational purposes. Prior to terminating internet service, a provider must ask the customer, either in writing or through a recorded verbal communication, whether the internet service is being used by a school-aged child for educational purposes. If the customer answers in the affirmative, then the provider shall not disconnect the internet service provided to that residential account.

6. During the grace period, where internet service has been disconnected for a residential account and there has been a change of circumstances such that one or more school-aged children will be using the account for educational purposes, the provider shall, upon

notification by a customer of such a change of circumstances, take immediate steps to reestablish service to that residential account. The provider shall develop and implement a process for customers to obtain reestablishment of services in those circumstances pursuant to a policy approved in writing by the BPU and shall provide notice of that policy in writing to all customers prior to the disconnection of internet services and on its website.

7. A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents pursuant to paragraphs 5 and 6 may not downgrade or otherwise reduce the quality of residential internet services while this Order remains in effect unless acting pursuant to a policy approved in writing by the BPU.

8. Nothing in this Order prohibits a cable or telecommunications provider from implementing a policy of continuing to provide residential internet and voice services to all customers in New Jersey subject to approval from the BPU.

9. Before disconnecting gas, electric, water, internet, or voice services upon the termination of the grace period to a New Jersey resident who has an existing account with the gas or electric public or municipal utility or privately or publicly owned water system or cable or telecommunications provider ("service provider") as of the effective date of this Order, after the required notice of discontinuance is sent to the customer, the service provider shall offer to enroll the customer in an interest-free payment plan of at least twelve equal monthly installments that includes any outstanding balance due and owing, as well as the ongoing balance for any services provided during the payment plan period, provided that nothing in this provision prevents a customer from requesting a shorter payback period.

10. A service provider may provide additional flexibility to customers by offering a combined payment and payment forgiveness plan, involving forgiveness of at least 50% of the outstanding principal, in lieu of a twelve-month payment plan required by paragraph 9 of this Order, solely upon consent of the customer by written or recorded verbal communication, pursuant to a policy approved in writing by the BPU.

11. No service provider shall discontinue residential gas, electric, water, internet, or voice services to a New Jersey resident who has entered into a payment plan pursuant to paragraphs 9 or 10 of this Order so long as the customer makes timely payments under the payment plan selected by the customer, unless the disconnection is to prevent or ameliorate a risk to public health or safety.

12. No service provider shall require a down payment or deposit, or payment of any late fees, penalties, or other reconnection costs, to enroll a customer in a payment plan pursuant to Paragraphs 9 or 10 of this Order.

13. During the grace period, no service provider shall seek to impose or collect any late fees, penalties, or other reconnection costs on customers as a condition of maintaining service.

14. The notices to residential customers required pursuant to P.L.2021, c.97 shall include information concerning the grace period established by this Order. In no event shall a service provider inform a customer who is protected by this Order that the customer is subject to termination of service for nonpayment prior to the end of the grace period.

15. The expiration of the grace period shall not affect the disconnection protections provided through the Winter Termination Program as set forth in N.J.A.C. 14:3-3A.5, or any other applicable statutory or regulatory protections.

16. To the degree that they are inconsistent with this Order, the provisions of N.J.A.C. 14:3-3A.1a(3)-(4) and -3A.5 are suspended while this Order remains in effect. Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect.

17. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 40:14A-21, N.J.S.A. 40:14B-41 and -42, N.J.S.A. 40A:26A-12, and N.J.S.A. 40A:31-12 are suspended while this Order remains in effect. Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect.

18. Any actions taken by the BPU pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

19. Executive Order No. 229 (2021) is hereby superseded to the extent inconsistent with this Order.

20. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

21. 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 or might in any way interfere with or impede its achievement.

22. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

23. This Order shall take effect immediately and shall remain in effect until December 31, 2021.

GIVEN, under my hand and seal this  
14<sup>th</sup> day of June,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 247**

WHEREAS, Gwendolyn Faison was a dedicated public servant who served as the first woman mayor of the City of Camden; and

WHEREAS, Mayor Faison was born in Clinton, North Carolina in 1925; and

WHEREAS, Mayor Faison attended Shaw University, Temple University, and Rutgers University; and

WHEREAS, Mayor Faison was appointed to the Camden City Council in 1983, and served on the council during the 1980s and 1990s; and

WHEREAS, Mayor Faison became the first Black resident of Camden to serve on the Camden County Board of Chosen Freeholders, now known as the Camden County Board of Commissioners; and

WHEREAS, in 1997, Mayor Faison became the first Black woman to serve as president of the Camden City Council; and

WHEREAS, in 2000, Mayor Faison became the first woman mayor in Camden's history, and was subsequently reelected to the office for two full terms, remaining in office until 2010; and

WHEREAS, during her time as mayor, Mayor Faison worked tirelessly to improve the lives of the residents of Camden; and

WHEREAS, following her decade as mayor, Mayor Faison remained an active member of the Tenth Street Baptist Church in Camden, and continued to mentor elected officials in Camden; and

WHEREAS, Mayor Faison has been recognized as a trailblazer for women, and in particular women of color, in Camden and in New Jersey; and

WHEREAS, it is with deep sadness that we mourn the passing of Mayor Faison, who will be remembered for her honor, integrity, and fearlessness, as well as the stability she provided during her time as mayor of Camden; and

WHEREAS, it is appropriate to honor the exemplary character and cherished memory of Mayor Faison, and to mark her passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 13, 2021, in recognition and mourning of a dedicated and tireless public servant, Mayor Gwendolyn Faison.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
12<sup>th</sup> day of July,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 248**

WHEREAS, on February 28, 2003, the President of the United States, in Homeland Security Directive No. 5 (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS") to provide a consistent, nationwide approach for federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic security incidents, regardless of cause, size, or complexity; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") Administrator, as head of the National Integration Center, is charged with managing and maintaining NIMS and, in accordance with the Post-Katrina Emergency Management Reform Act of 2006, issues NIMS guidance and supports its implementation; and

WHEREAS, the Federal Homeland Security Act of 2002, as amended, provides that the term "emergency response providers" includes Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities; and

WHEREAS, in Executive Order No. 50 (2005), New Jersey adopted NIMS as the standard for all incidents and emergency response events, and prescribed particular training requirements for emergency response providers; and

WHEREAS, the training requirements set forth in Executive Order No. 50 (2005) are outdated and no longer match current FEMA guidelines for the NIMS Incident Command System ("ICS") curriculum; and

WHEREAS, the New Jersey Office of Emergency Management ("NJOEM") is responsible for NIMS compliance, providing oversight and coordination of NIMS ICS training and preparedness grants, and facilitating training programs for emergency response providers; and

WHEREAS, the current NIMS ICS components are an integral part of various incident management training programs and other activities provided throughout the State every year; and

WHEREAS, the State Director of Emergency Management is authorized to issue directives requiring NIMS-compliant training requirements for emergency response providers; and

WHEREAS, NJOEM is the State entity best positioned to review ongoing requirements for NIMS compliance, establish minimum training requirements based on the NIMS curriculum, and determine appropriate NIMS training qualifications for emergency response providers;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 50 (2005) is hereby rescinded.
2. Within 30 days of this Order, NJOEM shall issue a comprehensive emergency management directive that includes the establishment of minimum requirements and qualifications for NIMS-compliant trainings for emergency response providers, other personnel, and government officials as required by FEMA's NIMS training program.
3. NIMS shall continue as the standard for incident management for all planned events and incidents in this State.

4. NJOEM shall work with federal, State, county, and municipal stakeholders with responsibility for incident management to develop and deliver NIMS-compliant training programs.

5. All State departments and agencies shall incorporate NIMS into existing training programs and exercises, wherever appropriate.

6. All State, county, and municipal agencies shall maintain compliance with federal emergency management training requirements and NJOEM directives. Eligibility for federal preparedness grants shall be contingent upon compliance with any NJOEM directives issued pursuant to this Order.

7. All State, county, and municipal agencies are authorized to issue such directives, administrative orders, regulations and other guidance as may be necessary to mandate the use of NIMS at all planned events and incidents by personnel within their subject areas of responsibility, in coordination and compliance with the directives of the State Director of Emergency Management.

8. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
20<sup>th</sup> day of July,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 249**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act (the "Disaster and Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster and Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, and No. 246 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in response to the COVID-19 pandemic and upon enactment of P.L.2020, c.1, on March 19, 2020, I issued Executive Order No. 106 (2020), which prohibited any lessee, tenant, homeowner, or individual from being removed from a residential property as the result of an eviction or foreclosure proceeding; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order No. 106 (2021), shall remain in effect until January 1, 2022; and

WHEREAS, P.L.2021, c.103 provides that the Governor may revoke or modify the listed Executive Orders, including Executive Order No. 106 (2021), prior to January 1, 2022; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") announced yesterday that the nationwide eviction moratorium, which had been in place since September 4, 2020 and had initially expired on July 31, 2021 at midnight, will be extended for 60 days in counties with heightened levels of community transmission; and

WHEREAS, earlier today, I signed Senate Bill No. 3691 (First Reprint) into law as P.L.2021, c.188, which responsibly winds down the moratoriums on removals pursuant to eviction or foreclosure proceedings established by Executive Order No. 106 (2020) and appropriates \$750 million in federal funds to provide critical

rental and utility assistance for the many residents of New Jersey who have struggled over the last 17 months; and

WHEREAS, Senate Bill No. 3691 (First Reprint) prohibits evictions of very low-, low-, moderate-, and middle-income households for nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning March 1, 2020 and ending August 31, 2021; and

WHEREAS, Senate Bill No. 3691 (First Reprint) further prohibits evictions of very low-, low-, and moderate-income households for residential arrearages incurred from the period beginning September 1, 2021 and ending December 31, 2021 if the household certifies: (1) the household's income; (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic; and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible; and

WHEREAS, earlier today I also signed Assembly Bill No. 4463 (First Reprint) into law as P.L.2021, c.189, which makes certain eviction filings occurring during the period beginning March 9, 2020 and ending August 3, 2021 confidential and prohibits a landlord from considering such filings when evaluating a prospective tenant; and

WHEREAS, it is appropriate to modify Executive Order No. 106 (2020) to be consistent with Senate Bill No. 3691 (First Reprint); and

WHEREAS, this Order is a modification of Executive Order No. 106 (2020), and thus consistent with P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the

Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For eviction actions based upon any reason other than nonpayment of rent, habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 (2020) is hereby rescinded.

2. For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 (2020) shall expire on August 31, 2021, for any lessee or tenant who is not a very low-, low-, or moderate-income household.

3. For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 (2020) shall expire on December 31, 2021, for any lessee or tenant who is a very low-, low-, or moderate-income household. Provided, however, that the protection conferred on such tenants shall expire on August 31, 2021, to the extent that such tenants do not certify: (1) the household's income; (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic; and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible.

4. For removals resulting from foreclosure proceedings, Executive Order No. 106 (2020) shall expire on November 15, 2021.

5. No residential tenant of a very low-, low-, moderate- or middle-income household as those terms are defined in Senate Bill No. 3691 (First Reprint) shall be evicted based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning March 1, 2020 and ending August 31, 2021.

6. No residential tenant of a very low-, low-, or moderate-income household as those terms are defined in Senate Bill No. 3691 (First Reprint) shall be evicted based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the period beginning September 1, 2021 and ending December 31, 2021 if the household certifies: (1) the household's income; (2) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic; and (3) that the household has applied for State, county, or local rental assistance programs for which they are eligible.

7. Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time the protections extended under Executive Order No. 106 (2020) are in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

8. This Order shall not affect any schedule of rent that is due.

9. For the purpose of this Order, "residential property" means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to these lists.

10. Executive Order No. 106 (2020) is hereby superseded to the extent inconsistent with Senate Bill No. 3691 (First Reprint).

11. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

12. 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 or might in any way interfere with or impede its achievement.

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

14. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
4<sup>th</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor