

EXECUTIVE ORDER NO. 100

WHEREAS, the international scientific community has reached an overwhelming consensus that the Earth is warming due to increasing atmospheric levels of carbon dioxide and other greenhouse gases; and

WHEREAS, there is also overwhelming consensus that such temperature increases are contributing to rising sea levels, an increase in the frequency and intensity of severe weather events, and numerous other adverse environmental impacts that have threatened and will continue to threaten our communities, economies, and public health; and

WHEREAS, it is also widely accepted that human activity, and in particular society's emissions of greenhouse gases, has driven and continues to drive global climate change and its corresponding impacts on our natural environment; and

WHEREAS, the United Nations Intergovernmental Panel on Climate Change ("IPCC") has found that greenhouse gas emissions are the highest in human history and continued emissions will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive, and irreversible impacts for people and ecosystems; and

WHEREAS, the IPCC has also concluded that the world's oceans and ice sheets are under severe stress due to rapidly increasing temperatures, causing global sea level rise to accelerate; and

WHEREAS, this acceleration has and will continue to result in increases in intensity of winds, rainfall, wave action, and other extreme sea level events and coastal hazards, as well as impacts to coastal ecosystems; and

WHEREAS, New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and numerous other adverse impacts of climate change, with potentially disastrous consequences for public health and safety, as well as for the social and economic vitality of the State; and

WHEREAS, the 2019 report "New Jersey's Rising Seas and Changing Coastal Storms" that was prepared by Rutgers University for the Department of Environmental Protection ("DEP") shows that sea-level rise projections in New Jersey are more than two times the global average and that the sea level in New Jersey could rise from 2000 levels by up to 1.1 feet by 2030, 2.1 feet by 2050, and 6.3 feet by 2100, underscoring the urgent need for action to protect the State from adverse climate change impacts; and

WHEREAS, according to a study released by the Rhodium Group in October 2019, rising temperatures and sea levels in New Jersey has significantly increased the economic risk to New Jerseyans with an estimated \$60 billion worth of homes and buildings facing increased risk of flooding from hurricanes, and the estimated annual potential loss to New Jersey from hurricane-related wind and flooding has increased between \$670 million and \$1.3 billion; and

WHEREAS, the National Oceanic and Atmospheric Administration estimates that annual damages from climate change could measure in the hundreds of billions of dollars by the end of the century; and

WHEREAS, minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding; and

WHEREAS, the State's ability to reduce the severity of adverse climate change impacts will depend on the collective effort and commitment of our political and community leaders, businesses, industries, and government entities to undertake considerable efforts to reduce greenhouse gas emissions on an economy-wide basis; and

WHEREAS, traditional methods of energy production that rely on the burning of fossil fuels release harmful emissions of greenhouse gases, which in turn contribute to global climate change; and

WHEREAS, the only method to begin mitigation of these effects is through steep and immediate reductions in greenhouse gas emissions; and

WHEREAS, in the absence of action at the federal level, states must take the lead in reducing greenhouse gas emissions to avoid the most catastrophic impacts of climate change; and

WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources; and

WHEREAS, on July 6, 2007, the State enacted the Global Warming Response Act, N.J.S.A. 26:2C-37, ("GWRA") which calls for the reduction in greenhouse gas emissions to 1990 levels by 2020 with further reductions to 80% below 2006 levels by 2050; and

WHEREAS, climate pollutants include not only greenhouse gases such as carbon dioxide, methane, hydrofluorocarbons, and perfluorocarbons, but also black carbon and other pollutants

determined by DEP to be significant contributors to the problem of global warming; and

WHEREAS, in accordance with the GWRA, N.J.S.A. 26:2C-41, DEP will deliver, by June 30, 2020, a GWRA report that will: (1) identify all significant sources of Statewide greenhouse gas emissions, including short-lived climate pollutants; (2) monitor progress toward the 2020 limit, the 2050 limit and any interim limits; and (3) inform further actions the State must take to reduce greenhouse gas emissions, including short-lived climate pollutants such as black carbon; and

WHEREAS, in one of my earliest actions as Governor, I signed Executive Order No. 7 (2018) authorizing the State to rejoin the Regional Greenhouse Gas Initiative (RGGI), a cooperative program to cap and reduce carbon dioxide emissions from power plants in the participating states, to begin limiting carbon dioxide emissions from New Jersey's power sector, while simultaneously allowing New Jersey to make transformational investments in clean energy to further reduce greenhouse gas emissions; and

WHEREAS, Executive Order Nos. 8 (2018) & 92 (2019) similarly emphasized the vital importance of offshore wind energy to aid in the State's just and smooth transition to a clean energy economy, setting a goal of procuring 7,500 megawatts of the state's energy from offshore wind by 2035, which will further reduce greenhouse gas emissions; and

WHEREAS, on October 29, 2019, I issued Executive Order No. 89 (2019), directing, in part, the creation of an Interagency Council on Climate Resilience to assist DEP in the development of a Statewide Climate Change Resilience Strategy by September 1, 2020; and

WHEREAS, pursuant to Executive Order No. 28 (2018), on January 27, 2020, the New Jersey Board of Public Utilities (BPU) issued a much-needed update to New Jersey's Energy Master Plan ("EMP"), setting forth a strategic vision for the production, distribution, consumption, and conservation of energy in the State that recognizes the need for significant investment in and support for clean energy sources necessary to effect a just and smooth transition away from the State's reliance on fossil fuels that contribute to global climate change; and

WHEREAS, the EMP provides a comprehensive, forward-thinking blueprint for the transition of the State's energy profile to 100% clean energy sources on or before January 1, 2050; and

WHEREAS, during the State's transition to a clean energy economy, the unrestrained development of new fossil fuel energy-generating infrastructure will result in further increases of harmful greenhouse gas emissions that will exacerbate the current climate crisis and may prevent the State from reaching its clean energy goals, contrary to the GWRA; and

WHEREAS, once the State achieves a just and smooth transition to 100% clean energy, fossil fuel infrastructure assets may become stranded throughout the State, making unlimited present day and future investments in expanded fossil fuel infrastructure a potential waste of both private and public resources; and

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 DEP shall, within two years of the date of this Order and consistent with applicable law, adopt Protecting Against Climate Threats ("PACT") regulations. The PACT regulations shall:

a. Establish a greenhouse gas monitoring and reporting program to identify all significant sources of Statewide greenhouse gas emissions, including carbon dioxide and short-lived climate pollutants, and monitor progress towards the limits set forth in the Global Warming Response Act in accordance with N.J.S.A. 26:2C-41;

b. Establish criteria that shall govern and reduce emissions of carbon dioxide and, where necessary, short-lived climate pollutants, including but not limited to, black carbon, hydrofluorocarbons, and methane; and

c. Integrate climate change considerations, such as sea level rise, into its regulatory and permitting programs, including but not limited to, land use permitting, water supply, stormwater and wastewater permitting and planning, air quality, and solid waste and site remediation permitting.

2. Within 30 days of the date of this Order, the DEP Commissioner shall issue an administrative order, to be updated from time to time, that identifies the DEP regulations that the Department plans to update in order to integrate climate change considerations in accordance with Paragraph 1(c) of this Order.

3. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity. Nothing in this Order shall be construed to supersede any federal, state, or local law.

4. Should any part of this Order be declared to be invalid or unenforceable or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal this
27th day of January,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor

EXECUTIVE ORDER NO. 101

WHEREAS, Colonel Justin J. Dintino was a dedicated public servant who tirelessly served the people of New Jersey for five decades; and

WHEREAS, Colonel Dintino was born on October 30, 1928, in Philadelphia, Pennsylvania; and

WHEREAS, Colonel Dintino joined the New Jersey State Police in 1952; and

WHEREAS, Colonel Dintino was renowned for his integrity and dedication to law enforcement and was essential in bringing several organized crime syndicates to justice; and

WHEREAS, Colonel Dintino ascended the ranks to become the 10th Colonel of the State Police in 1990, serving in every rank along the way; and

WHEREAS, as Superintendent, Colonel Dintino enacted transformative policies to improve police accountability, promote diversity, and protect the civil rights of all citizens; and

WHEREAS, Colonel Dintino was nationally recognized for combating organized crime, and was appointed to the Commission on Organized Crime by President Ronald Reagan; and

WHEREAS, throughout his career, Colonel Dintino also served on the Organized Crime Committee of the International Chiefs of Police, the Middle Atlantic-Great Lakes State Organized Crime Law Enforcement Network, and the Law Enforcement Intelligence Unit as General Chairman; and

WHEREAS, even in retirement, Colonel Dintino served the people of New Jersey as a Commissioner on the State Commission of Investigation; and

WHEREAS, at 91, Colonel Dintino was the oldest surviving State Police Superintendent when he passed away; and

WHEREAS, Colonel Dintino's extensive writings will contribute to the field of police intelligence well into the future; and

WHEREAS, Colonel Dintino will be sorely missed by his family, including his wife, Doris, siblings, children, grandchildren, and great-grandchildren, his friends, his colleagues, and by the people of New Jersey whom he served for decades; and

WHEREAS, it is with great sorrow that we mourn the passing of Colonel Dintino, and extend our deepest sympathy to his family, friends, and colleagues; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Colonel Dintino, 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 from Friday, January 31, 2020, through Sunday, February 2, 2020, in recognition and mourning of a dedicated and tireless public servant, Colonel Justin J. Dintino.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
30th day of January,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor

EXECUTIVE ORDER NO. 102

WHEREAS, the novel coronavirus identified as "2019-nCoV" ("the virus"), first discovered in the city of Wuhan, Hubei Province, People's Republic of China ("China"), is a severe, potentially fatal respiratory illness that can result in pneumonia, acute respiratory distress syndrome, septic shock, and multi-organ failure; and

WHEREAS, since the discovery of the virus in December 2019, more than 10,000 cases have been confirmed in China, with more than 100 additional cases confirmed across 22 other countries, including the United States; and

WHEREAS, the spread of the virus indicates that is it being transmitted through human-to-human contact; and

WHEREAS, outbreaks of the virus in the United States and in other countries across the world are being addressed through a combination of quarantining, medical monitoring, and community engagement; and

WHEREAS, the World Health Organization declared on January 30, 2020, that 2019-nCoV is a "Public Health Emergency of International Concern;" and

WHEREAS, in response to the outbreak, the Centers for Disease Control and Prevention determined that the virus presents a serious public health threat requiring enhanced entry screening at select airports in the United States, including Newark Liberty International in New Jersey, as well as others including Los Angeles International (California), San Francisco International (California), John F. Kennedy International (New York), Hartsfield-Jackson Atlanta International (Georgia), Honolulu International (Hawai'i), Chicago's O'Hare International (Illinois), Seattle-Tacoma International (Washington), Dulles International Airport (Virginia), Detroit Metropolitan Airport (Michigan), and Dallas-Fort Worth International Airport (Texas), for travelers from China; and

WHEREAS, effective February 2, 2020, the United States Department of Homeland Security is regulating the travel of persons and aircraft to the United States to facilitate the orderly medical screening and, where appropriate, quarantine of individuals entering the United States who may have been exposed to the virus; and

WHEREAS, preparation for public health hazards such as 2019-nCoV must involve a coordinated effort across federal, state, county, and local governments, first responders, private organizations, and the entire healthcare industry in New Jersey; and

WHEREAS, the rapidly evolving outbreak of coronavirus requires State officials to continuously monitor developments in the United States and around the world in order to take necessary and appropriate actions to ensure that residents of New Jersey remain safe and secure; and

WHEREAS, as Governor, it is my duty and responsibility to protect the health and well-being of our residents by taking all necessary preparatory measures in response to the threats posed to the public health by the virus;

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 a "Coronavirus Task Force" ("CTF") that will report directly to the Office of the Governor.

2. The CTF shall be chaired by the Commissioner of the New Jersey Department of Health ("DOH").

3. In addition to the DOH, the CTF shall consist of the Commissioners or other agency heads of the following Executive Branch departments and agencies, or their designees:

- a. The Department of Human Services;
- b. The Department of Law & Public Safety;

- c. The New Jersey State Police;
- d. The Department of Education; and
- e. The Office of Homeland Security and Preparedness.

4. The Governor may, as determined to be appropriate, appoint additional members to the CTF. All members of the Task Force shall serve without compensation and at the pleasure of the Governor.

5. The CTF shall meet on an as-needed basis as determined by the Chairperson.

6. The CTF is charged with coordinating all State efforts to appropriately prepare for and respond to the public health hazard posed by the virus. The Task Force will coordinate with and, where necessary, call upon other departments and agencies, including representatives from the Port Authority of New York & New Jersey, the Department of Children and Families, the Department of Environmental Protection, the Department of Labor and Workforce Development, the Department of Military and Veterans Affairs, the Department of Transportation, and New Jersey Transit, and any other department, office, division, or agency deemed necessary for consultation and advice.

7. The CTF is empowered to create any special advisory panel necessary to develop and deploy the State's preparation and response to the virus, including medical professionals with knowledge and expertise in the areas of public health, medicine, infectious disease, and related areas.

8. The CTF shall coordinate the State's partnership with the Federal government and ensure effective communications and dissemination of information with all relevant State departments and agencies.

9. The CTF shall work with hospitals and other health care facilities to manage preparations for the possible treatment of patients demonstrating coronavirus symptoms or risks.

10. The CTF shall coordinate with local health departments to assess readiness for the management of patients demonstrating symptoms of the virus and to develop consistent protocols for monitoring and treatment.

11. The DOH shall provide staff to support the CTF. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance necessary to discharge its duties under this Order.

12. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the CTF within the limits of its statutory authority and to furnish the CTF with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

13. The CTF may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

14. The CTF shall be purely advisory in nature and shall periodically report to the Governor to provide specific recommendations related to this Order.

15. This Order shall take effect immediately.

GIVEN, under my hand and seal this
3rd day of February,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor

EXECUTIVE ORDER NO. 103

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, COVID-19 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread to the Hubei Province and multiple other countries; and

WHEREAS, symptoms of the COVID-19 illness include fever, cough, and shortness of breath, which may appear in as few as two or as long as 14 days after exposure, and can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern," which means "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response," and thereafter raised its global risk assessment of COVID-19 from "high" to "very high"; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, as of March 9, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 114,000 confirmed cases of COVID-19 worldwide, with over 4,000 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were more than 500 confirmed cases of COVID-19 in the United States, with 22 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional "Persons Under Investigation" spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

WHEREAS, as of March 9, 2020, there were 142 positive cases of COVID-19 in the State of New York and seven presumptive positive cases in the Commonwealth of Pennsylvania; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, if COVID-19 spreads in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain 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, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the spread of COVID-19 may make it difficult or impossible for citizens to obtain consumer goods and other necessities of life due to supply chain disruption and price increases, as well as hamper the delivery of essential services such as police, fire, and first aid; and

WHEREAS, the State's public bidding act, N.J.S.A. 52:34-6 et seq., provides a public exigency exemption, N.J.S.A. 52:34-10(b), that in the event of a threat to the life, health, or safety to the public, advertised bidding is not required to obtain those

goods and services necessary to address the public exigency where the Division of Purchase of Property provides preapproval in accordance with Treasury Circular 18-14-DPP; and

WHEREAS, in the event of a declared emergency pursuant to Treasury Circular 19-10-DPP, the threshold for delegated purchasing by individual State Departments is raised to \$100,000 such that purchases at or below that amount do not require prior approval or action by DPP; and

WHEREAS, the spread of COVID-19 may disrupt the timely delivery of State contracted goods or services, the immediate delivery and fulfillment of which is necessary for the life, safety, or health of the public; and

WHEREAS, the State of New Jersey has been working closely with the CDC, local health departments, and healthcare facilities to monitor, plan for and mitigate the spread of COVID-19 within the State; and

WHEREAS, through Executive Order No. 102, which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by COVID-19; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed 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, the State of New Jersey also acts as an employer with tens of thousands of employees, and the spread of COVID-19 requires preparedness for staffing shortages and flexibility in work rules to ensure that its employees can fully comply with all

medically appropriate measures while also ensuring the continuous delivery of State services performed by Executive branch agencies; and

WHEREAS, the continuous delivery of services at the county and municipal level performed by those governments and their employees is also essential; and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent 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

WHEREAS, 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 consultation with the Commissioner of DOH confirms that there exists a public health emergency in the State; and

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

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a Public Health Emergency and State of Emergency exist in the State of New Jersey, and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any such emergency measures as the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of county and municipal emergency operations plans, in order to fully and adequately protect the health, safety and welfare of the citizens of the State of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, is authorized to coordinate the relief effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, shall also supervise and coordinate all activities of all State, regional and local political bodies and agencies in order to ensure the most effective and expeditious implementation of this order, and, to this end, may call upon all such agencies and political subdivisions for any assistance necessary.

3. Given the concurrent invocation of both a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., I reserve the right as specifically contemplated by N.J.S.A. 26:13-3 to exercise the authority and powers specific to the Emergency Health Powers Act as I deem necessary and appropriate to ensure the public health for New Jersey's residents.

4. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every

political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management and the Commissioner of DOH in all matters concerning this state of emergency.

5. The Coronavirus Task Force established under Executive Order No. 102 is continued with the Commissioner of DOH as the chair, and shall provide assistance on the State's efforts preparing for and responding to the public health hazard posed by COVID-19.

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

7. All State agencies, and specifically the Departments of Banking and Insurance, Health, Human Services, Education, and the Civil Service Commission are authorized to take appropriate steps to address the public health hazard of COVID-19, including increasing access and eliminating barriers to medical care, protecting the health and well-being of students, and protecting the health and well-being of State, county, and municipal employees while ensuring the continuous delivery of State, county, and municipal services.

8. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

9. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to utilize all property, equipment, and facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

10. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

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

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

13. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous impacted municipality within this State, nor to any impacted municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management in conjunction with the Commissioner of DOH.

14. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this
 9th day of March,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 104

WHEREAS, through Executive Order No. 102, which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any 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 my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, on March 11, 2020, COVID-19 was declared to be a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to his constitutional and statutory powers, including those granted by Sections 201 and 301 of the National Emergencies Act (50 U.S.C. § 1601, *et seq.*) and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5); and

WHEREAS, the President of the United States also determined on March 13, 2020, that the COVID-19 pandemic was of sufficient severity and magnitude to warrant an emergency determination under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207; and

WHEREAS, as of March 16, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 130,000 confirmed cases of COVID-19 worldwide, with over 6,500 of those cases having resulted in death; and

WHEREAS, as of March 16, 2020, there were more than 4,900 confirmed cases of COVID-19 in the United States, with 67 of those cases having resulted in death; and

WHEREAS, as of March 16, 2020, there were 178 positive cases of COVID-19 in New Jersey, spread across numerous counties; and

WHEREAS, social mitigation strategies for combatting COVID-19 requires every effort to reduce the rate of community spread of the disease; and

WHEREAS, as of March 15, 2020, the CDC recommends that for the next eight weeks, gatherings of 50 or more people be canceled or postponed throughout the United States; and

WHEREAS, public and private preschool programs, elementary and secondary schools, and institutions of higher education are locations where significant numbers of students, educators, and support staff gather, often in close proximity in classrooms, hallways, cafeterias, and gymnasiums; and

WHEREAS, suspending in-person preschool programs, K-12 education, and in-person instruction at institutions of higher education are part of the State's mitigation strategy to combat COVID-19 and reduce the rate of community spread; and

WHEREAS, my Administration is committed to ensuring that all students will continue to have access to a quality education, in addition to school meals that are provided or subsidized for students from low-income families; and

WHEREAS, casinos, racetracks, gyms, fitness centers, movie theaters, performing arts centers, other concert venues, nightclubs, and other entertainment centers, which are vital to the economic health of the State, are also locations where large numbers of individuals gather in close proximity; and

WHEREAS, many individuals also come into contact with common surfaces at gyms, fitness centers, and other entertainment centers; and

WHEREAS, suspending operations at these businesses is part of the State's mitigation strategy to combat COVID-19 and reduce the rate of community spread; and

WHEREAS, even on casino floors, where slot machines or other casino games may be several feet apart, many individuals come into contact with common surfaces; and

WHEREAS, in contrast to gaming at brick-and-mortar facilities, online gaming provides a safe mode of entertainment during a time when physical proximity to other individuals can be dangerous; and

WHEREAS, the CDC has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another; and

WHEREAS, as a result, the CDC has recommended that individuals practice "social distancing" to prevent community spread of the virus; and

WHEREAS, the CDC has defined social distancing as the practice of "remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible"; and

WHEREAS, bars and restaurants are locations where significant numbers of individuals gather in close proximity, making adherence to social distancing protocols impossible or impracticable; and

WHEREAS, to mitigate community spread of COVID-19, it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance; and

WHEREAS, on March 15, 2020, the Director of the National Institute of Allergy and Infectious Diseases, Dr. Anthony Fauci, called for "a dramatic diminution of the personal interaction that we see in restaurants and in bars," and recommended pursuing "[w]hatever it takes to do that"; and

WHEREAS, the provision of take-out and delivery services do not pose the same danger of widespread person-to-person contact while still preserving necessary food delivery services for New Jersey residents; and

WHEREAS, narrowing scope of service or hours of operation for restaurants and certain retail establishments permits individuals to access food, clothing, and other essential materials while also limiting unnecessary person-to-person contact; and

WHEREAS, it is critical to ensure that law enforcement resources, particularly those that might otherwise be required to respond to late-night incidents, not be unnecessarily diverted from responding to COVID-19 related issues and maintaining public safety; 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. All gatherings of persons in the State of New Jersey shall be limited to 50 persons or fewer, excluding normal operations at airports, bus and train stations, medical facilities, office environments, factories, assemblages for the purpose of industrial or manufacturing work, construction sites, mass transit, or the purchase of groceries or consumer goods.

2. All public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, shall be closed to students beginning on Wednesday, March 18, 2020, and shall remain closed as long as this Order remains in effect.

3. All institutions of higher education shall cease in-person instruction beginning on Wednesday, March 18, 2020, and shall cease such in-person instruction as long as this Order remains in effect. The Secretary of the Office of Higher Education shall have the authority to grant a waiver to allow in-person instruction to students on a case-by-case basis where a compelling rationale to allow such access exists. The Secretary of the Office of Higher Education shall coordinate with institutions of higher education to determine appropriate student housing conditions for those students who reside in on-campus housing as their primary residence.

4. The Commissioner of the Department of Education ("DOE"), in consultation with the Commissioner of DOH, shall be authorized to permit schools to remain open on a limited basis for the provision of food or other essential, non-educational services, or for educational or child care services if needed in emergency situations after consultation with the Commissioner of DOH. The Commissioner of DOE shall also have the authority to close any other career or

training facilities over which he has oversight, after consultation with the Commissioner of DOH.

5. The Commissioner of DOE shall continue working with each public school district, and private and parochial schools as appropriate, to ensure that students are able to continue their educations during this time period through appropriate home instruction. Local school districts, charter schools, and renaissance schools, in consultation with the Commissioner of DOE, shall have the authority and discretion to determine home instruction arrangements as appropriate on a case-by-case basis to ensure all students are provided with appropriate home instruction, taking into account all relevant constitutional and statutory obligations.

6. The Secretary of the Department of Agriculture, in conjunction with the Commissioner of DOE, shall take all necessary actions to ensure that all students eligible for free or reduced meals shall continue to receive the services or supports necessary to meet nutritional needs during closures.

7. The following facilities are ordered closed to members of the public, effective 8:00 p.m. on Monday, March 16, 2020. These facilities are to remain closed to the public for as long as this Order remains in effect. 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 this list:

- a. Casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue to be offered notwithstanding the closure of the physical facility.
- b. Racetracks, including stabling facilities and retail sports wagering lounges. Mobile sports wagering

services may continue to be offered notwithstanding the closure of the physical facility.

- c. Gyms and fitness centers and classes.
- d. Entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs.

8. Other non-essential retail, recreational, and entertainment businesses must cease daily operations from 8:00 p.m. until 5:00 a.m.. From 5:00 a.m. until 8:00 p.m., these businesses may remain open if they limit their occupancy to no more than 50 persons and adhere to social distancing guidelines. Examples of essential businesses excluded from this directive include: grocery/food stores, pharmacies, medical supply stores, gas stations, healthcare facilities and ancillary stores within healthcare facilities. 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 list of essential businesses and to the timelines applicable to operating hours.

9. 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, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be limited to original containers sold from the principal public barroom. All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be delivered by licensed entities and/or by customer pick up.

10. In accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

11. The Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, shall act through the Superintendent of State Police, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

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 Executive Order, or which will in any way interfere with or impede its achievement.

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 Executive Order.

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

15. 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
16th day of March,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 105

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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 and; and

WHEREAS, as of March 18, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 191,000 confirmed cases of COVID-19 worldwide, with over 7,800 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were more than 7,000 confirmed cases of COVID-19 in the United States, with at least 97 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were 427 positive cases of COVID-19 in New Jersey, spread across numerous counties; and

WHEREAS, State and Federal public health experts, including officials at CDC, believe that infections will continue to spread at exponential rates unless aggressive action is taken to minimize person-to-person contacts and to reduce any unnecessary interactions; and

WHEREAS, the COVID-19 emergency is unfolding alongside numerous contemporaneous local, State and Federal elections; and

WHEREAS, the New Jersey Secretary of State is legally obligated to ensure that all qualified voters within the State are able to fully exercise their constitutionally protected right to vote; and

WHEREAS, allowing certain upcoming elections to proceed during this unprecedented COVID-19 health crisis as they were originally planned will create hardships and health risks for voters, poll workers and candidates alike; and

WHEREAS, election officials require flexibility and sufficient lead time to adapt the State's voting infrastructure to confront the magnitude of the public health and safety risks of the COVID-19 pandemic; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, the full participation of voters and candidates is critical to a robust democracy; and

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on certain upcoming elections carries the risk of disenfranchising countless citizens; and

WHEREAS, pursuant to N.J.S.A. 19:23-14, petitions for candidates for the June 2, 2020 primary election are due by 4:00 p.m. on March 30, 2020; and

WHEREAS, allowing candidates to submit their petitions electronically, in addition to by hand delivery, will help limit unnecessary person-to-person contact; and

WHEREAS, allowing voters to fill out and submit petitions electronically, so that candidates and campaigns need not physically gather petitions by going to individual voters in person, will help limit unnecessary person-to-person contact; and

WHEREAS, the COVID-19 emergency will significantly hinder otherwise qualified candidates from meeting the nomination requirements set forth in N.J.S.A. 19:23-7, 19:23-11, 19:23-14, 19:23-15, 19:25-3, 19:34-8, and 19:24-4; and

WHEREAS, temporarily modifying the requirements of N.J.S.A. 19:23-8, 19:23-14, 19:24-4, and 19:25-3 to allow for electronic submission of petitions is needed to keep voters engaged during this unprecedented crisis; and

WHEREAS, States generally have discretion to dictate the time, manner and place of elections in the absence of controlling federal law; and

WHEREAS, requiring voters to report to public polling locations to vote under the current circumstances will hinder public participation in the democratic process, particularly among elderly and immune-compromised voters, and undermine the legislative intent of provisions like N.J.S.A. 19:8-2 and 19:8-3.1, which are designed to ensure that such voters can exercise their right to vote; and

WHEREAS, voting by mail is already an authorized mode of voting in New Jersey pursuant to Title 19, subtitles 62 and 63; and

WHEREAS, at least 34 states and the District of Columbia already allow voters to cast their ballot via mail and five states run entirely vote-by-mail elections; and

WHEREAS, in-person voting has declined over the years, while the total number of voters who voted early, absentee or by mail has steadily increased; and

WHEREAS, New Jersey citizens are presently faced with the choice of exercising their constitutional franchise, or endangering their health and safety; and

WHEREAS, a temporary delay in certain elections that are rapidly approaching will give the county and municipal election officials enough time to send vote-by-mail ballots to all registered voters for these elections, allowing voters to exercise their constitutional franchise without jeopardizing their health and safety; and

WHEREAS, in order to prepare vote-by-mail ballots for all registered voters in the upcoming elections, state, county and municipal election officials need sufficient preparation 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;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey and in accordance with the authority vested in me by the New Jersey Constitution and statutes of the State of New Jersey, hereby ORDER and DIRECT the following:

1. In addition to accepting hand delivery of candidate and delegate petitions that are due by 4:00 p.m. on March 30, 2020, the Secretary of State, county clerks, and municipal

clerks shall allow for these candidate and delegate petitions to be submitted electronically.

2. The Secretary of State, county clerks, and municipal clerks shall also accept petitions with signatures collected via an online form created by the Secretary of State, which shall be available for use by Thursday, March 19, 2020. Following the availability of the online form, the Secretary of State, county clerks, and municipal clerks shall require that signatures be gathered via the online form. Hand signatures obtained prior to the effective date of this Executive Order shall also be accepted.

3. The online form shall be provided to county clerks and municipal clerks as a means of accepting petitions that are due to them by 4:00 p.m. on March 30, 2020.

4. The verification requirements of N.J.S.A. 19:23-11, insofar as they are not included on the online form created by the Secretary of State, shall be suspended for petitions due by 4:00 p.m. on March 30, 2020.

5. The requirements of N.J.S.A. 19:23-7 and N.J.S.A. 19:23-15 that a candidate provide a notarized oath of allegiance with their petition shall be suspended for petitions due by 4:00 pm on March 30, 2020. Candidates who have not already signed and notarized an oath of allegiance shall attach a signed pledge of allegiance to their petitions containing the same language as prescribed in N.J.S.A. 41:1-1.

6. The special election scheduled for March 21, 2020, in the Fire District 1 for the Township of Old Bridge in the County of Middlesex, the special election scheduled for March 31, 2020, in the Township of West Amwell in the County of Hunterdon, and the special election scheduled for March 31, 2020, in the City of Atlantic City in the County of Atlantic shall be postponed

until May 12, 2020, to be held concurrently with the elections currently scheduled for that date.

7. The elections that are scheduled for April 21, 2020, shall be postponed until May 12, 2020, also to be held concurrently with the elections currently scheduled for that date.

8. Any election scheduled for a date between March 19, 2020 and May 12, 2020, not specifically referenced in Paragraph 6 and 7, shall be postponed until May 12, 2020. Further, no other elections may be held or proceed prior to May 12, 2020.

9. All elections that take place on May 12, 2020, including those previously scheduled for that date and those rescheduled as a result of this Order, shall be conducted solely via vote-by-mail ballots, which will automatically be sent to all registered voters without the need for an application to receive a vote-by-mail ballot.

10. The requirements of N.J.S.A. 19:14-25 that sample ballots be sent shall be suspended. All registered voters will be receiving vote-by-mail ballots and there will be no polling places in the May 12, 2020 elections.

11. The time restrictions of N.J.S.A. 19:63-9 shall be suspended, and vote-by-mail ballots shall be mailed in compliance with a schedule to be prepared by the Secretary of State in a manner to ensure the timely receipt and return of ballots for counting in the May 12, 2020 elections.

12. To ensure that all registered voters, whether active or inactive, are provided with the opportunity to exercise their right to vote through the use of vote-by-mail ballots in the May 12, 2020 elections, N.J.S.A. 19:63-3(f), which prohibits the county clerk from sending a vote-by-mail ballot to inactive voters, shall be suspended.

13. Vote-by-mail ballots shall be processed and canvassed in compliance with standards established by the Secretary of State and in accordance with guidelines provided by the State Department of Health and where necessary, superseding the statutory deadlines established at N.J.S.A. 19:63-17 and 19:63-22, including the allowance of the early counting of vote-by-mail ballots prior to May 12, 2020.

14. All vote-by-mail return envelopes shall have prepaid postage in order to guarantee the proper delivery of all cast vote-by-mail ballots.

15. The Secretary of State shall establish appropriate standards for ensuring that all eligible citizens are able to exercise their right to vote through the use of vote-by-mail ballots in the May 12, 2020 elections.

16. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 19th day of March,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 106

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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; and

WHEREAS, as of March 18, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 191,000 confirmed cases of COVID-19 worldwide, with over 7,800 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were more than 7,000 confirmed cases of COVID-19 in the United States, with at least 97 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were 427 positive cases of COVID-19 in New Jersey, spread across numerous counties; and

WHEREAS, the economic impacts of COVID-19 are significant, and pose a growing threat to the housing security of many New Jerseyans; and

WHEREAS, many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments; and

WHEREAS, housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and

WHEREAS, removals of residents pursuant to evictions or foreclosure proceedings can increase the risk to those residents of contracting COVID-19, which in turn increases the risks to the rest of society and endangers public health; and

WHEREAS, in recognition of this danger, the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac announced the suspension of all evictions and foreclosures for the next 60 days; and

WHEREAS, Assemblymembers Angela McKnight, Holly Schepisi, and Benjie Wimberly and Senators Joseph Cryan and Nellie Pou have rapidly responded to these concerns by sponsoring Assembly Bill No. 3859 and Senate Bill No. 2276, which address this issue by explicitly providing that during a Public Health Emergency or State of Emergency, the Governor shall have the authority to issue an executive order declaring a moratorium on removing individuals from residential property as a result of an eviction or foreclosure proceeding; and

WHEREAS, the Administrative Office of the Courts also provided helpful guidance as the bill moved through the legislative process; and

WHEREAS, the swift action by the Legislature to pass Assembly Bill No. 3859 and Senate Bill No. 2276, working in collaboration with the Administrative Office of the Courts and my Administration, exemplifies the critical importance of effective coordination among all three branches of government in addressing emergency situations; and

WHEREAS, earlier today, I immediately signed the residential eviction and foreclosure moratorium legislation into law as soon as it passed both Houses of the Legislature, to exercise as

expeditiously as possible the authority provided by the Legislature to protect our residents in this critical time;

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. Any lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding.

2. While eviction and foreclosure proceedings may be initiated or continued during the time this Order is in effect, enforcement of all judgments for possession, warrants of removal, and writs of possession shall be stayed while this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. This Order does not affect any schedule of rent that is due.

3. 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 this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

4. 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.

5. This Order shall take effect immediately and remain in effect for no longer than two months following the end of the Public Health Emergency or State of Emergency established by Executive Order No. 103 (2020), whichever ends later, unless this Order is first revoked or modified by the Governor in a subsequent executive order.

GIVEN, under my hand and seal this
 19th day of March,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 107

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any 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 my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, to further 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 (2020) 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; and

WHEREAS, Executive Order No. 104 (2020) limited the scope of service and hours of operation for restaurants and certain retail establishments to balance the need to allow individuals to access food and other essential materials with the need to limit unnecessary person-to-person contact; and

WHEREAS, Executive Order No. 104 (2020) deemed a subset of businesses as "essential," including grocery/food stores, pharmacies, medical supply stores, gas stations, healthcare facilities, and ancillary stores within healthcare facilities, and it authorized the State Director of Emergency Management, who is the Superintendent of State Police, to make additions, amendments, clarifications, exceptions, and exclusions to that list; and

WHEREAS, Executive Order No. 104 (2020) made clear that such essential businesses may continue operating without limits on their scope of service or hours of operation, absent further amendments by the State Director of Emergency Management; and

WHEREAS, Executive Order No. 104 (2020) and subsequent Administrative Orders issued by the State Director of Emergency Management also placed restrictions on other businesses' scope of service and hours of operation, and also placed restrictions on the size of gatherings in the State; and

WHEREAS, as of March 20, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 234,000 confirmed cases of COVID-19 worldwide, with over 9,800 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were more than 15,000 confirmed cases of COVID-19 in the United States, with at least 201 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were at least 890 positive cases of COVID-19 in New Jersey, with at least 11 of those cases having resulted in death; and

WHEREAS, social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease; and

WHEREAS, the CDC has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another; and

WHEREAS, as a result, the CDC has recommended that individuals practice "social distancing" to prevent community spread of the virus; and

WHEREAS, the CDC has defined social distancing as the practice of "remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible"; and

WHEREAS, to mitigate community spread of COVID-19, it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance; and

WHEREAS, the best way for New Jersey residents to keep themselves, their families, and their communities safe during the COVID-19 outbreak is to stay at home as much as possible; and

WHEREAS, as of March 15, 2020, the CDC recommends that for the next eight weeks, gatherings of 50 or more people be canceled or postponed throughout the United States; and

WHEREAS, as of March 16, 2020, the White House went further than the CDC had and recommended that Americans avoid social gatherings in groups of more than 10 people; and

WHEREAS, restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, accommodating work-from-home arrangements is an effective means to ensure continuity of operations while also limiting person-to-person contact; and

WHEREAS, the CDC has recommended employers to establish policies and practices to increase the physical distance among employees and between employees; and

WHEREAS, permitting the workforce to work from home may reduce stress on the State's child care system; and

WHEREAS, as of March 19, 2020, I have instructed all State departments and agencies to utilize work-from-home arrangements for both essential and non-essential employees wherever feasible; and

WHEREAS, given the rapidly rising incidence of COVID-19, temporarily closing non-essential retail businesses will strengthen New Jersey's efforts to slow the spread of COVID-19; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is likely to increase for the immediate future, meaning we must take all possible steps to preserve our health care system's capacity to treat those who require emergency or intensive care; 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 operative paragraphs of Executive Order No. 104 (2020) are hereby superseded in full. The factual findings of Executive Order No. 104 (2020) remain applicable except to the extent they are in conflict with the factual findings in this or any intervening Executive Order.

2. All New Jersey residents shall remain home or at their place of residence unless they are 1) obtaining goods or services from essential retail businesses, as described in Paragraph 6; 2) obtaining takeout food or beverages from restaurants, other dining establishments, or food courts, pursuant to Paragraph 8; 3) seeking medical attention, essential social services, or assistance from law enforcement or emergency services; 4) visiting family or other individuals with whom the resident has a close personal relationship, such as those for whom the individual is a caretaker or romantic partner; 5) reporting to, or performing, their job; 6) walking, running, operating a wheelchair, or engaging in outdoor activities with immediate family members, caretakers, household members, or romantic partners while following best social distancing practices with other individuals, including staying six feet apart; 7) leaving the home for an educational, religious, or political reason; 8) leaving because of a reasonable fear for his or her health or safety; or 9) leaving at the direction of law enforcement or other government agency.

3. When in public, individuals must practice social distancing and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or romantic partners.

4. Individuals who have to travel pursuant to Paragraph 2 should only use public transportation only if they have no other feasible choice. Individuals who ride public transportation should abide by best social distancing practices, including making

all efforts to stand or sit six feet away from other riders and frequently use sanitizing products.

5. Gatherings of individuals, such as parties, celebrations, or other social events, are cancelled, unless otherwise authorized by any part of this Order. The State Director of Emergency Management, who is the Superintendent of the State Police, shall have the discretion to make clarifications and issue orders related to this provision.

6. The brick-and-mortar premises of all non-essential retail businesses must close to the public as long as this Order remains in effect. Essential retail businesses, listed below, are excluded from this directive and may remain open during their normal business hours. Essential retail businesses must, wherever practicable, provide pickup services outside or adjacent to their stores for goods ordered in advance online or by phone. Additionally, online and telephonic delivery services are permitted to the extent the retail business is authorized to operate an online or telephonic delivery service under existing law. The State Director of Emergency Management, who is the Superintendent of the State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list:

- a. Grocery stores, farmer's markets and farms that sell directly to customers, and other food stores, including retailers that offer a varied assortment of foods comparable to what exists at a grocery store;
- b. Pharmacies and alternative treatment centers that dispense medicinal marijuana;
- c. Medical supply stores;
- d. Retail functions of gas stations;

- e. Convenience stores;
- f. Ancillary stores within healthcare facilities;
- g. Hardware and home improvement stores;
- h. Retail functions of banks and other financial institutions;
- i. Retail functions of laundromats and dry-cleaning services;
- j. Stores that principally sell supplies for children under five years old;
- k. Pet stores;
- l. Liquor stores;
- m. Car dealerships, but only to provide auto maintenance and repair services, and auto mechanics;
- n. Retail functions of printing and office supply shops; and
- o. Retail functions of mail and delivery stores.

7. Any essential retail business whose brick-and-mortar premises remain open to the public shall abide by social distancing practices to the extent practicable while providing essential services. These include all reasonable efforts to keep customers six feet apart and frequent use of sanitizing products on common surfaces.

8. All restaurants, cafeterias, 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, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be

limited to original containers sold from the principal public barroom. The on-premises consumption of alcohol is prohibited. All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be sold through customer pick up and/or delivered by licensees in accordance with their existing licenses.

9. All recreational and entertainment businesses, including but not limited to the following list, must close to the public as long as this Order remains in effect. 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 this list:

- a. Casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue to be offered notwithstanding the closure of the physical facility.
- b. Racetracks, including stabling facilities and retail sports wagering lounges. Mobile sports wagering services may continue to be offered notwithstanding the closure of the physical facility.
- c. Gyms and fitness centers and classes.
- d. Entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs.
- e. All indoor portions of retail shopping malls. Restaurants and other stores located within

shopping malls that have their own external entrances open to the public, separate from the general mall entrance, may remain open pursuant to the terms and directives of this Order for operating hours and takeout or food delivery services. All entrances and exits to the common area portions of retail shopping malls must remain closed.

- f. All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions.
- g. Facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, tattoo parlors, and public and private social clubs, whether or not they serve alcohol, including but not limited to facilities owned or operated by the American Legion, Veterans of Foreign Wars, Knights of Columbus, and any other social clubs associated with community service organizations. This excludes any health facilities that provide medically necessary or therapeutic services.

h. All municipal, county, and State public libraries, and all libraries and computer labs at public and private colleges and universities.

10. All businesses or non-profits in the State, whether closed or open to the public, must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements. For purposes of this order, "telework" means the practice of working from home or alternative locations closer to home through the use of technology that equips the individual to access necessary materials.

11. To the extent a business or non-profit has employees that cannot perform their functions via telework or work-from-home arrangements, the business or non-profit should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. Examples of employees who need to be physically present at their work site in order to perform their duties include, but are not limited to, law enforcement officers, fire fighters, and other first responders, cashiers or store clerks, construction workers, utility workers, repair workers, warehouse workers, lab researchers, information technology maintenance workers, janitorial and custodial staff, and certain administrative staff.

12. All public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, shall remain closed to students as long as this Order remains in effect.

13. All institutions of higher education shall continue to cease such in-person instruction as long as this Order remains in effect. The Secretary of the Office of Higher Education shall have the authority to grant a waiver to allow in-person instruction to students on a case-by-case basis where a compelling rationale to

allow such access exists. The Secretary of the Office of Higher Education shall coordinate with institutions of higher education to determine appropriate student housing conditions for those students who reside in on-campus housing as their primary residence.

14. The Commissioner of the Department of Education ("DOE"), in consultation with the Commissioner of DOH, shall be authorized to permit schools to remain open on a limited basis for the provision of food or other essential, non-educational services, or for educational or child care services if needed in emergency situations after consultation with the Commissioner of DOH. The Commissioner of DOE shall also have the authority to close any other career or training facilities over which he has oversight, after consultation with the Commissioner of DOH.

15. The Commissioner of DOE shall continue working with each public school district, and private and parochial schools as appropriate, to ensure that students are able to continue their educations during this time period through appropriate home instruction. Local school districts, charter schools, and renaissance schools, in consultation with the Commissioner of DOE, shall have the authority and discretion to determine home instruction arrangements as appropriate on a case-by-case basis to ensure all students are provided with appropriate home instruction, taking into account all relevant constitutional and statutory obligations.

16. The Secretary of the Department of Agriculture, in conjunction with the Commissioner of DOE, shall take all necessary actions to ensure that all students eligible for free or reduced meals shall continue to receive the services or supports necessary to meet nutritional needs during closures.

17. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public.

18. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way access to essential services for low-income residents, including but not limited to food banks.

19. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of newspapers, television, radio, and other media services.

20. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of law enforcement agencies.

21. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of the federal government, or the movement of federal officials in New Jersey while acting in their official capacity.

22. In accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

23. The Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, shall act through the Superintendent of State Police, to determine and control the direction of the flow of

vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

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 Executive Order.

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

26. This Order shall take effect on Saturday, March 21, 2020, at 9:00 p.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
 21st day of March,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 108

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), superseding Executive Order No. 104 (2020) and requiring New Jersey residents to remain home or at their place of residence subject to limited exceptions, cancelling social gatherings, and limiting all restaurants and other dining establishments to offering only food delivery and/or take-out services; and

WHEREAS, Executive Order No. 107 (2020) institutes clear parameters on essential retail businesses that are permitted to operate and requires that all businesses or non-profits utilize telework or work-from-home arrangements wherever practicable; and

WHEREAS, under Executive Order No. 107 (2020), all recreational and entertainment businesses are closed to the public, all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, are closed to the public, and all institutions of higher education shall continue to cease in-person education; and

WHEREAS, the Civilian Defense and Disaster Control Act ("Act") establishes that the Governor "is authorized to make, amend and rescind orders, rules and regulations ... and it shall be unlawful for any municipality or other subdivision or any other governmental agency of this State to adopt any rule or regulation or to enforce any such rule or regulation that may be at variance with any such order, rule or regulation established by the Governor," N.J.S.A. App. A:9-40; and

WHEREAS, the Act further provides that "[i]n the event of a dispute on the question of whether or not any such rule or regulation is at variance with an order, rule or regulation established by the Governor ... the determination of the Governor shall control," N.J.S.A. App. A:9-40; and

WHEREAS, in accordance with N.J.S.A. App A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any 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 my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, during an emergency such as the outbreak of COVID-19, it is of the utmost importance that the responses to the emergency be well coordinated in order to provide consistency of action, to provide clarity of action to the general public, to avoid duplication of efforts, to prevent unnecessary use of critical resources, and to ensure accurate and prompt communications with emergency personnel and the public; and

WHEREAS, unitary management is essential for coordination needed during an emergency, because, among other things:

- a. It allows the efficient gathering and assessment of information, and the formulation of a consistent response to changing circumstances;
- b. It ensures an appropriate balance statewide between actions needed to combat the spread of COVID-19 and avoiding unnecessary hardships to the public;
- c. It ensures that the State's resources are efficiently and adequately deployed;
- d. It eliminates the individual and potential competing interests of the State's hundreds of municipalities and 21 counties; and

WHEREAS, the issuance of mandates and restrictions by municipalities and counties at variance with the Governor's Executive Orders confounds the benefits of a unitary management structure, because, among other things:

- a. They risk confusion among members of the public by creating requirements that are different and in places contrary to the Governor's Executive Orders;
- b. They may cause the public to conform to mandates that the Governor determined are unnecessary or, in the worst case, counter-productive;
- c. They disrupt the balance between the actions necessary to combat the spread of COVID-19 and the other needs of the population as determined by the Governor;
- d. They risk inefficient deployment of finite resources in that municipal authorities may use their emergency personnel to implement and enforce local mandates the Governor has deemed inappropriate or unnecessary;

e. By establishing inconsistent hours of operations and scope of services for businesses from municipality to municipality, they direct a disproportionate number of persons those surrounding localities where such facilities remain open, hence defeating the principal objective of social distancing; and

WHEREAS, notwithstanding the overwhelming benefits of a unitary management structure, there exist certain limited circumstances where it may be beneficial for localities to be able to impose additional restrictions; and

WHEREAS, certain municipalities may have legitimate concerns about an influx of new visitors, which may cause public health concerns as we impose social distancing measures and aim to avoid unnecessary increases in density of individuals; and

WHEREAS, parks can vary widely in their nature, with some large parks being suitable locations for outdoor activities that can be practiced using social distancing, while other parks can attract large, crowded groups of people that pose significant public health concerns; 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. Any county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders, is hereby invalidated. Examples of such restrictions include, but are not limited to, the following:

- a. Any additions to or deletions from the list of retail businesses that I have deemed essential or that have been identified as essential through Administrative Orders authorized by my Executive Orders;
- b. Any limitations imposed on any business's scope of service or hours of operation;
- c. Any density or social distancing requirements;
- d. Any orders relating to the gathering of individuals; and
- e. general restrictions on the freedom of movement within that county or municipality, including but not limited to the imposition of curfews.

2. 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 Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders.

3. Paragraphs 1 and 2 do not apply to the following categories of entities, over which municipalities or counties have the ability to impose additional restrictions in response to COVID-

19 beyond the applicable provisions of Executive Order No. 107 (2020). The State Director of Emergency Management, who is the Superintendent of the State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list:

a. Online marketplaces for arranging or offering lodging; or

b. Municipal or county parks.

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

5. This Order shall take effect on Saturday, March 21, 2020, at 9:00 p.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
21st day of March,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 109

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as of March 21, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 292,000 confirmed cases of COVID-19 worldwide, with over 12,000 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were more than 15,000 confirmed cases of COVID-19 in the United States, with at least 201 of those cases having resulted in death; and

WHEREAS, as of March 23, 2020, there were at least 1,914 positive cases of COVID-19 in New Jersey, with at least 20 of those cases having resulted in death; and

WHEREAS, in recognition that the CDC has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact

when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which [ordered steps](#) to mitigate community spread of COVID-19 [limiting](#) the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance and requiring all businesses or non-profits, wherever practicable, to accommodate their workforce for telework or work-from-home arrangements and reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 107 (2020) required the closure of facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, tattoo parlors, and public and private social clubs, whether or not they serve alcohol; and

WHEREAS, Executive Order No. 107 (2020) did not limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public, and allowed to remain open health facilities that provide medically necessary or therapeutic services; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is likely to increase for the immediate future, and, consequently, requires the State to

take additional steps to preserve our health care system's capacity to treat those who require emergency or intensive care; and

WHEREAS, limiting exposure of healthcare providers, patients, and staff to COVID-19 and conserving critical resources such as ventilators, respirators, anesthesia machines, and Personal Protective Equipment ("PPE") are essential to combatting the spread of the virus; and

WHEREAS, the Centers for Medicare and Medicaid Services have issued guidance to limit non-essential adult elective surgery and medical and surgical procedures, including all dental procedures, to assist in the management of vital healthcare resources (including PPE) during this public health emergency and to limit potential exposure of healthcare providers, patients, and staff to the virus; and

WHEREAS, the United States Surgeon General has encouraged hospitals and healthcare systems to consider stopping elective procedures; and

WHEREAS, limiting non-essential adult elective surgery and invasive procedures, whether medical or dental, will assist in the management of vital healthcare resources during this public health emergency; and

WHEREAS, while certain surgeries and invasive procedures are medically appropriate, they are not time-sensitive and a postponement will not endanger the health of the patient, and at the same time, these procedures, whether undertaken in a hospital, ambulatory surgery center or provider office, necessarily draw upon the skill and time of critical health care professionals and involve the use of equipment and supplies that may be needed to treat those who are critically ill; 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. Beginning at 5:00 p.m. on Friday, March 27, 2020, all "elective" surgeries performed on adults, whether medical or dental, and all "elective" invasive procedures performed on adults, whether medical or dental, are suspended in the State. An "elective" surgery or invasive procedure, for purposes of this Order, is defined as any surgery or invasive procedure that can be delayed without undue risk to the current or future health of the patient as determined by the patient's treating physician or dentist. An "elective" surgery or invasive procedure does not include the administration of vaccines.

2. Providers planning or determining whether to perform surgery and invasive procedures in their offices must also consider any possible post-operation complications that may place additional stress on local hospitals that do not have the capacity to accept transfers and need to coordinate any possible post-operation admissions with local hospitals prior to performing surgeries or invasive procedures. Ambulatory surgery centers are to coordinate any possible post-surgery admissions with local hospitals prior to performing any surgery or invasive procedure.

3. Each hospital or ambulatory surgery center shall establish written guidelines to ensure adherence to the provisions of this Order, a copy of which shall be provided to DOH. In establishing such guidelines, the hospital or ambulatory surgery center shall include a process for consultation with the treating provider about a designation that the surgery or invasive procedure is elective under the terms of this Order.

4. Nothing in this Order shall be construed to limit access to the full range of family planning services and procedures, including terminations of pregnancies, whether in a hospital, ambulatory surgery center, physician office, or other location.

5. The Commissioner of DOH shall have the authority to issue binding guidance, in consultation with the Director of the Division of Consumer Affairs, on any of the provisions contained in Paragraphs 1 through 4.

6. All elective surgeries or invasive procedures, whether medical or dental, already scheduled for after 5:00 p.m. on Friday, March 27, 2020, are to be cancelled or postponed indefinitely. Facilities are to immediately notify all patients and providers that have scheduled elective surgeries or invasive procedures that these operations cannot proceed as scheduled under the terms of this Order.

7. Any business or non-hospital health care facility, including but not limited to dental facilities, construction facilities, research facilities, office-based healthcare or veterinary practices, and institutions of higher learning, in possession of PPE, ventilators, respirators, or anesthesia machines that are not required for the provision of critical health care services should undertake an inventory of such supplies and send that information to the State by no later than 5:00 p.m. on

Friday, March 27, 2020. The Office of Emergency Management shall establish a process by which entities subject to this provision can submit this information.

8. The Director of the Division of Consumer Affairs, which houses over fifty professional licensure bodies, is authorized and empowered in his or her sole discretion, but in consultation with the Commissioner of DOH, to issue orders restricting or expanding the scope of practice for any category of healthcare professional or veterinarian licensed by a board in the Division of Consumer Affairs, including but not limited to, orders restricting elective surgeries, procedures, and examinations, or for further limiting the scope of practice, or the location for the delivery of service of other licensees subject to regulation by any licensing board or committee within the Division of Consumer Affairs. The Director of the Division of Consumer Affairs is also authorized and empowered in his or her sole discretion, but in consultation with the Commissioner of DOH, to waive any restriction on the entry or reentry into practice (or any restriction on the prescription of controlled dangerous substances or on access to the prescription monitoring program) of any person who has received training for employment in a healthcare profession or who has retired from practice.

9. Any actions taken by the Commissioner of DOH or the Director of the Division of Consumer Affairs 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.

10. Paragraph 17 of Executive Order No. 107 (2020) is hereby superseded to the extent it is inconsistent with 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 Executive Order.

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

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 23rd day of March,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 110

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any 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 my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, to further 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 (2020) 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; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), the facts and circumstances of which are also adopted by reference herein, affirming the closure of all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools to students for as long as that Order remains in effect (the "school closure period"); and

WHEREAS, many, but not all, child care centers throughout the State have also elected to close in the wake of the present emergency; and

WHEREAS, child care settings can present difficulties in adhering to social distancing measures, necessitating closure of facilities during the emergency period that do not certify that they can meet the emergency child care standards created by the Department of Children and Families ("DCF"); and

WHEREAS, in order to address the urgent demands created by the present health emergency, providers of health care, emergency medical services, law enforcement, and other persons providing essential services require alternative child care arrangements during the period of school closures; and

WHEREAS, limiting access to child care facilities to essential persons wherever possible will help ensure that critical personnel can continue to effectively accomplish their jobs; and

WHEREAS, these essential persons are a vital part of our response infrastructure and providing safe and accessible care for their children will improve our State's response to this emergency; and

WHEREAS, child care workers play a critical function in supporting the health, well-being and financial security of New Jersey's children and families; and

WHEREAS, the Commissioner of DCF has already executed a waiver to allow for flexible operating standards for child care facilities while maintaining the necessary or required health and safety standards; and

WHEREAS, in Executive Order No. 107 (2020), I authorized the Commissioner of the Department of Education to permit schools to remain open on a limited basis for educational or child care services if needed in emergency situations; and

WHEREAS, lack of available child care options for essential persons in the State has, and will continue to, impact the ability of essential entities and service providers to address the urgencies of the present pandemic; 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 Commissioner of DCF, in consultation with the Commissioners of the Departments of Education, Human Services, and Health, shall implement a plan permitting access to emergency child care services for the children of "essential persons." As part of that plan, DCF shall:

- a. Create and publish emergency child care standards that an Emergency Child Care Center must follow beginning Wednesday, April 1, 2020. The standards

shall detail the appropriate social distancing, hand washing, cleaning, and other public health prevention strategies that must be in place for Emergency Child Care Centers to operate; and

- b. Create a certification form for current child care centers or other organizations wishing to stay open or resume operations as an Emergency Child Care Center on or after Wednesday, April 1, 2020, that includes a commitment both to provide child care services exclusively to "essential persons" during the school closure period and to follow all applicable emergency child care standards. The form shall also elicit information concerning the current child care center or organization's capacity to provide those services.
- c. Both the standards and forms referenced in subsections (a) and (b) shall be available to the public on the Department of Children and Families' Internet website no later than Wednesday, March 25, 2020, at 5 p.m..

2. In order to be designated as an Emergency Child Care Center, any person or organization, requesting permission to stay open or resume operations on or after April 1, 2020, shall submit the certification form to the Commissioner of DCF for approval by Friday, March 27, 2020. If through the certification form the person or organization demonstrates that it will provide child care services exclusively to "essential persons" during the school closure period, and that it will follow all applicable emergency child care standards, the Commissioner DCF shall authorize it to remain open or resume operations as an Emergency Child Care Center.

3. Any "child care center", including those as defined in this executive order, that fails to timely certify shall be closed to the public as of Wednesday, April 1, 2020, and remain closed through the school closure period. Centers shall receive notice of the certification decision by the Commissioner of DCF by Monday, March 30, 2020.

4. Child care centers, for purposes of this Order, include entities providing care on a regular basis for children aged 0-13, including licensed child care centers. For the purpose of this Executive Order only, child care centers include those entities normally exempt from licensure under N.J.S.A. 30:5B-3(b)(2)-(5), & (7)-(8) & (11), and similar enterprises, but do not include programs funded or licensed by the DCF, the Department of Health, the Department of Human Services, or the Department of Education to provide specialized day care to youth with physical, intellectual, or developmental disabilities, or family child care homes registered pursuant to the Family Day Care Provider Registration Act, N.J.S.A. 30:5B-16 et seq.

5. For purposes of this Order, "essential persons" shall include, but not be limited to:

- a. Health care workers, including staff working in health care facilities and in community-based services including home health and behavioral health;
- b. Law enforcement personnel, fire and emergency services personnel, and staff at correctional facilities;
- c. Individuals employed at emergency child care centers operating on or after April 1, 2020;

- d. Staff working for entities that provide essential social services, including, but not limited to, group home and shelter staff;
- e. Essential government employees who are unable to work from home, including child protection services workers, child welfare workers, foster care workers, unemployment compensation processing staff, and public health employees; and
- f. Certain critical workers, as defined by the Commissioner of DCF, at essential retail businesses, as defined in Executive Order No. 107 (2020) and subsequent Administrative Orders.

The Commissioner of DCF, in consultation with the State Director of Emergency Management, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list taking into account both demonstrated need and the capacity of Emergency Child Care Centers.

6. By Friday, April 3, 2020, the State Director of Emergency Management ("Director"), in consultation with the Commissioners of Education and DCF and local county officials, shall evaluate whether there are sufficient emergency child care centers open in each county to meet the needs of essential persons. For any county where the Emergency Child Care Centers cannot meet the demand for essential persons, the Director shall direct the applicable county office of emergency management, in consultation with the applicable county office of education, to identify schools in the county that are capable of serving as emergency child care sites for children ages 0-13. The Commissioners of Education and DCF shall proffer standards for review of the identified schools. Upon approval by the Commissioner of Education and the Commissioner of

DCF, such schools are authorized to provide emergency child care to and/or supplementary educational activities for children enrolled in schools within that county, but may only serve the children of essential persons. Such schools may engage a third-party provider to deliver the emergency child care services. The Director is authorized to establish dates for submission of the above information from county offices and, in consultation with the Commissioners of Education and DCF, establish requirements and guidance for those submissions.

7. The Commissioner of DCF is hereby authorized to issue additional requirements and guidance to provide for the creation, approval, operation, staffing, monitoring, inspection, investigation, oversight, and immediate closure of Emergency Child Care Centers and emergency child care sites.

8. The Commissioner of DCF, in consultation with the Commissioners of Education, Human Services, and Community Affairs and the Director, are hereby authorized to identify sources of funding for such programs.

9. The Commissioner of DCF is hereby further authorized to temporarily suspend or modify any existing regulation applicable to licensed, approved, or exempt child care programs to the extent necessary to provide for the creation, operation, and sufficient availability of emergency child care programs consistent with this Order.

10. Any actions taken by the Commissioner of DCF 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..

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 Executive Order.

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

13. 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 Executive Order No. 110 (2020), or which will or might in any way interfere with or impede its achievement.

14. 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
25th day of March,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 111

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

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

WHEREAS, as of March 27, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 509,000 confirmed cases of COVID-19 worldwide, with over 23,000 of those cases having resulted in death; and

WHEREAS, as of March 27, 2020, there were more than 85,000 confirmed cases of COVID-19 in the United States, with over 1,200 of those cases having resulted in death; and

WHEREAS, as of March 27, 2020, there were at least 8,825 positive cases of COVID-19 in New Jersey, with at least 108 of those cases having resulted in death; and

WHEREAS, the State has already taken aggressive steps to expand the capacity of New Jersey's health care system, including the construction of four modular field treatment facilities in partnership with the U.S. Army Corps of Engineers that is already underway and will result in approximately 1,000 new hospital beds; and

WHEREAS, on March 23, 2020, I signed Executive Order No. 109 (2020), suspending elective surgeries and invasive procedures and requiring that all businesses and non-hospital health care facilities submit an inventory to the State of the Personal Protective Equipment ("PPE"), ventilators, respirators, and anesthesia machines they have in their possession that are not required for the provision of critical health care services; and

WHEREAS, a number of businesses have already gone above and beyond these reporting requirements and demonstrated exemplary corporate citizenship by donating large amounts of PPE to the State; and

WHEREAS, the State's capacity-building efforts can be implemented only by having a complete understanding of the health care system's existing capacity and its gaps, which will allow additional resources to be deployed where they are most needed; and

WHEREAS, the New Jersey Office of Emergency Management is the central State repository to receive, allocate, and distribute resources to respond to this public health emergency; and

WHEREAS, the current information reported by hospitals and other health care providers, done on a voluntary basis, is insufficient to meet the State's needs in developing and maintaining situational awareness of the health care system's capacity; and

WHEREAS, pursuant to N.J.S.A. App. A: 9-36, the Governor is authorized to require any public official, citizen, or resident of New Jersey, or any firm, partnership, or corporation incorporated or doing business in this State to furnish information reasonably necessary to respond to and alleviate the current emergency; 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. Health care facilities designated by the New Jersey Office of Emergency Management shall report data concerning their capacity and supplies on a daily basis by 10:00 a.m., starting on Sunday, March 29, 2020, and continuing for the duration of this Order. The health care facilities that shall be required to report this data include, but are not limited to, the following:

- a. Licensed acute care hospitals;
- b. Long-term care facilities;
- c. Hospital systems, including specialty hospitals; and
- d. All emergency modular field treatment and other facilities established during this state of emergency.

The New Jersey Office of Emergency Management, in consultation with the Commissioner of DOH, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list, including but not limited to the addition of other entities encompassed by the definitions of "health care facility" under N.J.S.A. 26:2H-2 and --13-2.

2. The New Jersey Office of Emergency Management, in consultation with the Commissioner of DOH, shall specify what data concerning capacity and supplies, including bed capacity, ventilators, and PPE, must be submitted to satisfy the requirements of Paragraph 1.

3. The New Jersey Office of Emergency Management shall be authorized to disseminate the information collected pursuant to Paragraph 1 as needed to allocate resources during this state of emergency

4. The New Jersey Office of Emergency Management shall establish a process by which designated health care facilities can submit this information on a daily basis.

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 Executive Order.

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

7. 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
28th day of March,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

CORRECTED COPY

EXECUTIVE ORDER NO. 112

WHEREAS, on February 3, 2020, through Executive Order No. 102 (2020), I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020), on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is anticipated to continue to increase for the immediate future, meaning we must take all possible

steps to expand our healthcare system's capacity to treat those who require emergency or intensive care; and

WHEREAS, as of March 31, 2020, according to the World Health Organization, there were over 750,000 confirmed cases of COVID-19 worldwide, with over 36,000 of those cases having resulted in death; and

WHEREAS, as of March 31, 2020, according to the CDC, there were over 163,000 confirmed cases of COVID-19 in the United States, with over 2,800 of those cases having resulted in death; and

WHEREAS, as of March 31, 2020, there were over 18,600 positive cases of COVID-19 in New Jersey, with at least 267 of those cases having resulted in death; and

WHEREAS, on March 23, 2020, through Executive Order No. 109 (2020), the facts and circumstances of which are adopted by reference herein, I suspended elective surgeries and invasive procedures, which necessarily draw upon the skill and time of critical healthcare professionals and involve the use of equipment and supplies that may be needed to treat those who are critically ill; required that all businesses and non-hospital healthcare facilities submit an inventory to the State of the Personal Protective Equipment ("PPE"), ventilators, respirators, and anesthesia machines they have in their possession that are not required for the provision of critical healthcare services; and took other actions to protect and conserve the resources of our healthcare system, and limit unnecessary in-person contacts in healthcare settings, to more effectively combat the spread of COVID-19; and

WHEREAS, on March 28, 2020, through Executive Order No. 111 (2020), the facts and circumstances of which are adopted by reference herein, I ordered healthcare facilities to begin reporting daily data on their capacity and supplies, including bed capacity, ventilators, and PPE; and

WHEREAS, even as we suspend elective surgery and elective invasive procedures, the number of COVID-19 cases in New Jersey will likely require the skills and time of more healthcare professionals across the State, including, but not limited to physicians, physician assistants, advanced practice nurses, registered professional nurses, licensed practical nurses, and respiratory care therapists and others whose training and experience enable them to manage critically ill patients, perform essential invasive procedures, conduct diagnostic testing or render general medical care to patients presenting with non-COVID-19 emergencies, meaning we must take all possible steps to expand our healthcare system's capacity to treat those who require emergency or intensive care, while still meeting the ongoing urgent medical needs of our residents; and

WHEREAS, in addition to steps already taken by my Administration to expand access to telemedicine and telehealth and to facilitate temporarily the licensure of out-of-state healthcare professionals, it is in the public interest to expeditiously expand the supply of available and qualified healthcare professionals permitted to treat New Jersey patients, by temporarily reactivating the licenses of recently retired New Jersey healthcare professionals; by temporarily authorizing the practice in New Jersey of foreign doctors in good standing in other jurisdictions; and by facilitating the ability of appropriately credentialed healthcare professionals to safely prescribe controlled dangerous substances to New Jersey residents, notwithstanding certain existing requirements that would serve to delay or preclude such individuals from supporting the State's response to the COVID-19 outbreak; and

WHEREAS, it is in the public interest to expand the scope of practice of those healthcare professionals who under current law practice with individualized physician oversight, so that they can be deployed to meet the anticipated needs with more autonomy, greater

agility and with all necessary tools, including independent authority to prescribe controlled dangerous substances when appropriate; and

WHEREAS, despite the best efforts of our healthcare professionals and healthcare facilities, based on modelling of the spread of the virus and mortality rates elsewhere, we must position our morgues, mortuaries and cemeteries to handle an increase in the need for such services, and facilitate the provision of such services at a time when individuals have limited ability to leave their homes and a decedent's next of kin may themselves be quarantined; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, there are presently statutory provisions designed to safeguard the health and safety of the public, including by ensuring that healthcare professionals meet the highest standards before entering or reentering their fields, and that they practice together as members of a skilled team, and these provisions can, in a time of crisis such as this, thwart or delay our efforts to respond rapidly to emerging needs by establishing conditions and barriers that deprive the healthcare system of the agility to best utilize available resources in an effort to stem the spread of COVID-19, and avoid overwhelming the capacity of the system; and

WHEREAS, the Commissioner of Health has determined that the State needs the help of additional qualified health, mental health, and related professionals to supplement our healthcare capacity on a temporary basis; and

WHEREAS, on March 27, 2020, the Commissioner of Health launched a portal for healthcare professionals to identify themselves as willing and able to support New Jersey's response to the COVID-19 outbreak, as well as information that would allow a qualified

professional to be connected with opportunities suitable for someone with his or her skillset; and

WHEREAS, the Legislature enacted P.L.2020, c.4, to facilitate temporary licensure by reciprocity for out-of-state healthcare professionals, and the Department of Law and Public Safety, Division of Consumer Affairs ("DCA") has taken action to expedite licensure by reciprocity; and

WHEREAS, in light of the emergent need for the measures adopted herein and adopted previously to supplement the workforce by bringing in healthcare professionals who have not previously maintained liability coverage; by facilitating the deployment of retirees, out-of-state healthcare professionals, and foreign doctors; and by calling upon healthcare professionals to perform acts that they would not perform in the ordinary course of business, it is in the public interest to afford such individuals protection against liability for good faith actions taken in their efforts to offer assistance in response to the call to supplement the healthcare workforce; and

WHEREAS, pursuant to N.J.S.A. App. A:9-52, neither the State nor any political subdivision of the State under any circumstances, nor the agents, officers, employees, servants or representatives of the State or any political subdivision thereof, including all volunteers, in good faith carrying out, complying with, or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of the Disaster Control Act or performing any authorized service in connection therewith, shall be liable for any injury or death to persons or damage to property as the result of any such activity; and

WHEREAS, pursuant to N.J.S.A. 26:13-19, public entities and employees of public entities are granted broad immunity for any good faith acts or omissions in connection with a public health emergency, or preparatory activities, performed pursuant to any order, rule or regulation adopted in response to a public health emergency; and

WHEREAS, the immunity granted in N.J.S.A. 26:13-19 extends to private entities, including healthcare providers, for injuries caused by acts or omissions in connection with a public emergency, or preparatory activities, that are exercised in good faith and pursuant to any order, rule or regulation adopted in response to a public health emergency; and

WHEREAS, N.J.S.A. 45:9-27.18a contemplates that physician assistants may respond to a need for medical care created by an emergency or a State or local disaster by rendering care without the physician supervision that is ordinarily required, and provides a degree of immunity from liability for physicians and physician assistants for certain personal injuries resulting from such acts or omissions; and

WHEREAS, healthcare providers and facilities may be called upon to engage in acts or omissions that are critical to State's response to the unprecedented crisis related to the COVID-19 pandemic, but that may not have been contemplated by the Legislature when it enacted existing statutory immunity provisions; and

WHEREAS, the strict enforcement of certain statutory provisions that delay the State's efforts to rapidly respond to the spread of COVID-19 is detrimental to the public welfare; 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 DCA is authorized to reactivate, on a temporary basis for the duration of the State of Emergency or Public Health Emergency, whichever is longer, the license of any healthcare professional previously licensed to practice in New Jersey who retired from active practice within the last five years, either by electing to place their license in inactive status or by allowing their license to lapse, provided that such healthcare professional submits an application on a form adopted by the Director of the DCA (the "Director") for such purpose and containing such information and certifications as the Director may require, and the Director or the relevant licensing board determines that such application should be granted. To facilitate the temporary reactivation of such healthcare professionals' licenses, the following statutory provisions are suspended and waived for the duration of the State of Emergency or Public Health Emergency, whichever is longer: the requirements of N.J.S.A. 45:1-7.4 pertaining to fees, affidavits of employment during the period of retirement, and proof of continuing education credits; and the requirements of N.J.S.A. 45:9-19.17 and N.J.S.A. 45:9-27.13a pertaining to liability insurance for physicians and physician assistants.

2. The DCA is authorized to issue a license to practice medicine and/or surgery, on a temporary basis for the duration of the State of Emergency or Public Health Emergency, whichever is longer, to any physician (including any medical doctor, doctor of osteopathic medicine, or the plenary-licensed equivalent in another country) who is licensed, in good standing, in another country, provided that such physician submits an application on a form adopted by the DCA for such purpose and containing such information and certifications as the Director may require, and the Director or the relevant licensing board determines that such application should be granted. At a minimum, the form shall require the applicant to certify that the applicant has engaged in practice for at least five years and has

engaged in clinical practice within the last five years. To facilitate the temporary licensure of such physicians, the following statutory provisions are suspended and waived for the duration of the State of Emergency or Public Health Emergency, whichever is longer: the requirements of N.J.S.A. 45:9-6 pertaining to examination for licensure; the requirements of N.J.S.A. 45:9-7 pertaining to premedical education; the requirements of N.J.S.A. 45:9-8 pertaining to additional education; the requirements of N.J.S.A. 45:9-12 pertaining to examination and other fees; and the requirements of N.J.S.A. 45:9-19.17 pertaining to medical malpractice insurance coverage.

3. For the duration of the State of Emergency or Public Health Emergency, whichever is longer, the following statutory provisions that may serve to limit the scope of practice of advanced practice nurses are suspended and waived, and compliance with such provisions will not be required, for advanced practice nurses acting within the scope of their education, training, experience, and competence, to the extent that such provisions would otherwise require an advanced practice nurse to:

- a. Enter into a joint protocol with an individual collaborating physician who is present or readily available through electronic communication (N.J.S.A. 45:11-49);
- b. Include the name, address, and telephone number of a collaborating physician on prescriptions or orders (N.J.S.A. 45:11-49);
- c. Review patient charts and records with the collaborating physician (N.J.S.A. 45:11-49); and
- d. Obtain the authorization or written approval from a collaborating physician in order to dispense narcotic drugs for maintenance treatment or detoxification treatment or to determine the medical necessity for

services for treatment of substance use disorder
(N.J.S.A. 45:11-49.3).

4. For the duration of the State of Emergency or Public Health Emergency, whichever is longer, the following statutory provisions that may serve to limit the scope of practice of physician assistants are suspended and waived, and compliance with such provisions will not be required, for physician assistants acting within the scope of their education, training, experience, and competence, to the extent that such provisions would otherwise require a physician assistant to:

- a. Obtain physician supervision (N.J.S.A. 45:9-27.15, N.J.S.A. 45:9-27.16(b), N.J.S.A. 45:9-27.17, and N.J.S.A. 45:9-27.18);
- b. Enter into a signed delegation agreement limiting the scope of practice to procedures enumerated in the agreement and customary to the supervising physician's medical specialty, delegated or explicitly authorized (N.J.S.A. 45:9-27.16);
- c. Obtain authorization to order or prescribe a controlled dangerous substance (N.J.S.A. 45:9-27.19); and
- d. Limit the assistance provided in the operating room (N.J.S.A. 45:9-27.16).

The provisions of N.J.S.A. 45:9-27.17 relating to physicians' supervisory responsibility are suspended and waived as they apply to both physicians and physician assistants, to the extent that they would otherwise apply, for the same duration.

5. For the duration of the State of Emergency or Public Health Emergency, whichever is longer, any requirement to hold a controlled dangerous substance registration as a precondition for registering with the Prescription Monitoring Program (N.J.S.A. 45:1-46) is suspended and waived for any healthcare professional with prescribing

authority who is granted an expedited temporary license by the Director of the DCA and who holds a current valid registration with the U.S. Drug Enforcement Administration.

6. For the duration of the State of Emergency or Public Health Emergency, whichever is longer, the written signature requirements of N.J.S.A. 45:7-85 and N.J.S.A. 45:7-95, pertaining to prepaid funeral agreements and authorization to commence funeral services, can be met by the provision of electronic signatures.

7. Any individual granted a temporary license, certificate, registration or certification to practice a healthcare profession or occupation in connection with the State's COVID-19 response, including those granted pursuant to paragraph 1 or 2 of this Order, shall be immune from civil liability for any damages alleged to have been sustained as a result of the individual's acts or omissions undertaken in good faith, whether or not within the scope of the licensee's practice, in the course of providing healthcare services in support of the State's COVID-19 response, whether or not such immunity is otherwise available under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct.

8. Any individual holding a license, certificate, registration or certification to practice a healthcare profession or occupation in New Jersey, including but not limited to any advanced practice nurse or physician assistant acting outside the scope of their ordinary practice pursuant to paragraph 3 or 4 of this Order, shall be immune from civil liability for any damages alleged to have been sustained as a result of the individual's acts or omissions undertaken in good faith in the course of providing healthcare services in support of the State's COVID-19 response, whether or not within the scope of their practice and whether or not such immunity is otherwise available under current law. Such immunity shall not

extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct.

9. Any healthcare facility, within the meaning of N.J.S.A. 26:13-2, any modular field treatment facility, and any other site designated by the Commissioner of the Department of Health for temporary use for the purpose of providing essential services in support of the State's COVID-19 response, including hotels and student dormitories, shall be immune from civil liability for any damages alleged to have been sustained as a result of an act or omission undertaken in good faith in the course of providing services in support of the State's COVID-19 response by one or more of its agents, officers, employees, servants, representatives or volunteers, if, and to the extent, such agent, officer, employee, servant, representative or volunteer is immune from liability, whether or not such immunity is otherwise available under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct.

10. 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 Executive Order.

11. The immunity conferred by this Order applies to acts or omissions occurring at any time during the State of Emergency or Public Health Emergency, including acts or omissions occurring prior to issuance of this Order.

12. This Order shall take effect immediately.

GIVEN, under my hand and seal this
1st day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 113

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

WHEREAS, Executive Order No. 103 (2020) authorized and empowered the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any emergency measures as the State Director may determine necessary in order to fully and adequately protect the health, safety, and welfare of the citizens of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19; and

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

WHEREAS, on March 23, 2020, I signed Executive Order No. 109 (2020), the facts and circumstances of which are adopted by reference herein, requiring that all businesses and non-hospital health care facilities submit an inventory to the State of the Personal Protective Equipment ("PPE"), ventilators, respirators, and anesthesia machines they have in their possession that are not required for the provision of critical health care services; and

WHEREAS, on March 28, 2020, I signed Executive Order No. 111 (2020), the facts and circumstances of which are adopted by reference herein, requiring health care facilities to report data concerning their capacity and supplies on a daily basis, including data relating to bed capacity, ventilators, and PPE; and

WHEREAS, the collection and dissemination of this information allows the State to best allocate medical resources, such as PPE, ventilators, respirators, and anesthesia machines, during this state of emergency and public health emergency; and

WHEREAS, the State has taken aggressive steps to expand the capacity of New Jersey's overall health care system, including the assembly of four Federal Medical Stations in three convention center locations around the State, in partnership with the Federal Emergency Management Agency ("FEMA"), the U.S. Army Corps of Engineers ("USACE"), the New Jersey State Police, and the New Jersey National Guard that will result in approximately 1,000 new hospital beds, as well as working with USACE to create additional capacity at hospitals on an accelerated timeline by augmenting existing space in order to address the increase in overall hospitalizations throughout the State; and

WHEREAS, the State has made and continues to make all reasonable efforts to procure medical resources from the federal Strategic National Stockpile, FEMA, existing State caches of supplies, individual and corporate donations, and through traditional private sector purchasing; and

WHEREAS, despite these efforts, there remains a critical shortage of medical resources in the State, particularly in hospitals, healthcare facilities, and emergency response agencies in the northern region of the State where the spread of COVID-19 is particularly acute and where there has been a particularly high volume of COVID-19 hospitalizations; and

WHEREAS, as of April 2, 2020, there were at least 25,590 positive cases of COVID-19 in New Jersey, with at least 537 of those cases having resulted in death; and

WHEREAS, the number of positive cases of COVID-19 and related hospitalizations is expected to continue to rise, establishing a continuing need to meet the demand for medical resources in hospitals, healthcare facilities, and emergency response agencies throughout the State, especially in those regions where the spread of COVID-19 is particularly acute and where there has been a particularly high volume of hospitalizations; and

WHEREAS, the New Jersey Civilian Defense and Disaster Control Act (the "Disaster Control Act") authorizes the Governor to "utilize and employ all the available resources of the State Government and of each and every political subdivision of this State" and to "commandeer and utilize any personal services and any privately owned property necessary to avoid or protect against any emergency" subject to the future repayment of such takings, N.J.S.A. App. A:9-34; and

WHEREAS, the Disaster Control Act empowers the Governor "to employ, take or use the personal services, or real or personal property, of any citizen or resident of this State, or of any firm, partnership or unincorporated association doing business or domiciled in this State, or of any corporation incorporated in or doing business in this State, or the real property of a nonresident located in this State, for the purpose of securing the defense of the State or of protecting or promoting the public health, safety or welfare," N.J.S.A. App. A:9-51(a)(3); and

WHEREAS, the reallocation of medical resources to the regions and health care facilities particularly affected by COVID-19 will protect and promote the public health, safety, and welfare of the State, including by reducing loss of life; and

WHEREAS, the Disaster Control Act also establishes emergency compensation boards in each county of the State, to be composed of three persons appointed by the Governor who shall serve at the will and pleasure of the Governor and without compensation, which will adjudicate any claims for just compensation whenever property is taken or used pursuant to the Disaster Control Act; 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 State Director of Emergency Management, who is the Superintendent of State Police, is hereby authorized and empowered to exercise the full authority afforded to the Governor under the Disaster Control Act to take or use personal services and/or real or personal property, including medical resources, for the purpose of protecting or promoting the public health, safety, or welfare. The State Director of Emergency Management shall exercise this authority in consultation with the Commissioner of DOH.

2. Compensation shall be provided following the procedures established by the Disaster Control Act, N.J.S.A. App. A:9-51.

3. 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 Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

4. 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 my Executive Order, or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Order.

5. 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
 2nd day of April,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 114

WHEREAS, the COVID-19 pandemic continues to spread around the globe, with some reports indicating that there are now over one million cases of COVID-19 worldwide and over 245,000 cases in the United States; and

WHEREAS, New Jersey has been particularly hard-hit by COVID-19, with 29,895 residents testing positive for COVID-19 and 646 of our fellow New Jerseyans losing their lives; and

WHEREAS, these individuals were family, friends, colleagues, and neighbors, and include healthcare workers, first responders, and others who gave their lives working bravely and tirelessly on the frontlines of the COVID-19 pandemic; and

WHEREAS, each and every life lost to COVID-19 is a profound tragedy for us all; and

WHEREAS, we sadly know that even despite our aggressive efforts, the number of lives lost will continue to rise dramatically in the coming weeks and months, both here in New Jersey, throughout the United States, and around the world; and

WHEREAS, the prohibition of social gatherings, which is necessary to prevent further spread of the virus and loss of life, prevents funerals from going forward in the manner that they would under normal circumstances; and

WHEREAS, as a result, we cannot properly mourn the loss of individuals who pass away during this time, whether from COVID-19 or other causes, and say the goodbye that each and every one of them deserves; and

WHEREAS, while nothing can fully make up for this cruel reality, lowering the flags to half-staff can symbolize our State's collective grief and cause us all to remember the awful human toll that this pandemic has inflicted upon this State, our nation, and the world; and

WHEREAS, it is with great sorrow that we mourn the passing of all those who have lost their lives to COVID-19 and those who may lose their lives in the future, and extend our deepest sympathy to their families, friends, colleagues, and communities; and

WHEREAS, it is appropriate for us all to keep in our thoughts and prayers all of those who have been affected by the COVID-19 pandemic and are suffering;

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 indefinitely, starting on Friday, April 3, 2020, in recognition and mourning of all those who have lost their lives and have been affected by COVID-19.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
3rd day of April,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 115

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

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

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020), on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, as of April 5, 2020, according to the World Health Organization, there were over 1,133,000 confirmed cases of COVID-19 worldwide, with over 62,000 of those cases having resulted in death; and

WHEREAS, as of April 5, 2020, according to the CDC, there were over 304,000 confirmed cases of COVID-19 in the United States, with over 7,600 of those cases having resulted in death; and

WHEREAS, as of April 5, 2020, there were over 37,500 positive cases of COVID-19 in New Jersey, with at least 917 of those cases having resulted in death; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is anticipated to continue to increase for the immediate future, meaning that we must take all possible steps to expand our healthcare system's capacity to treat those who require emergency or intensive care; and

WHEREAS, at the same time, the State must take all feasible steps to expand our law enforcement agencies' and first responders' capacity to respond to threats to public health and safety; and

WHEREAS, my Administration has already taken a series of steps to address the need to expand our healthcare system's capacity and to expand the capacity of law enforcement agencies and other first responders to respond to threats to public health and safety; and

WHEREAS, on March 23, 2020, through Executive Order No. 109 (2020), the facts and circumstances of which are adopted by reference herein, I suspended elective surgeries and invasive procedures, which necessarily draw upon the skill and time of critical healthcare professionals and involve the use of equipment and supplies that may be needed to treat those who are critically ill, and took other actions to protect and conserve the resources of our healthcare system; and

WHEREAS, on March 28, 2020, through Executive Order No. 111 (2020), the facts and circumstances of which are adopted by reference herein, I ordered healthcare facilities to begin reporting daily data on their capacity and supplies, including bed capacity, ventilators, and Personal Protective Equipment (PPE); and

WHEREAS, on April 1, 2020, through Executive Order No. 112 (2020), the facts and circumstances of which are adopted by reference herein, I recognized that responding to the high volume of COVID-19 cases in New Jersey will likely require the skills and time of more healthcare professionals across the State; and

WHEREAS, Executive Order No. 112 (2020) included measures to expeditiously expand the supply of available and qualified healthcare professionals permitted to treat New Jersey patients, by temporarily reactivating the licenses of recently retired New Jersey healthcare professionals; by temporarily authorizing the practice in New Jersey of foreign doctors in good standing in other jurisdictions; and by facilitating the ability of appropriately credentialed healthcare professionals to safely prescribe controlled dangerous substances to New Jersey residents; and

WHEREAS, Executive Order No. 112 (2020) included measures to expand the scope of practice of certain healthcare professionals so that they can be deployed to meet the anticipated needs of the State in relation to COVID-19; and

WHEREAS, although the actions taken to date will enable the State to better respond to the COVID-19 pandemic, the Commissioner of DOH has determined that, throughout the duration of the Emergency, the State needs the help of additional qualified health, mental health, and related professionals to supplement our healthcare capacity on a temporary basis; and

WHEREAS, through a Law Enforcement Guidance issued on March 16, 2020, the facts and circumstances of which are adopted by reference herein, the Attorney General advised law enforcement agencies on strategies for addressing personnel challenges relating to COVID-19, including through expanded reliance upon the Special Law Enforcement Officers' Act, N.J.S.A. 40A:14-146.8, et seq., and mutual aid agreements between municipalities; and

WHEREAS, those personnel challenges have continued to grow, and as of April 5, 2020, there were thousands of law enforcement officers in New Jersey currently unable to report to duty, the vast majority of which because they tested positive for COVID-19 or are currently in quarantine; and

WHEREAS, the Attorney General, who is the State's chief law enforcement officer, has determined that, for the duration of the Emergency, the return of retired officers to bolster the ranks of law enforcement agencies, as well as the expanded retention of Special Law Enforcement Officers on an hourly basis, will supplement law enforcement agencies' ability to provide for public health and safety during the COVID-19 pandemic; and

WHEREAS, certain retirees enrolled in the State's various retirement systems possess the necessary skills and training to immediately assist with New Jersey's COVID-19 emergency, including law enforcement officers who are retired from the New Jersey Police and Firemen's Retirement System ("PFRS"), N.J.S.A. 43:16A-1 et seq., or the New Jersey State Police Retirement System ("SPRS"), N.J.S.A. 53:5A-1 et seq.; health workers at University Hospital who are retired from the Public Employees' Retirement System ("PERS"), N.J.S.A. 43:15A-1 et seq.; and other former State and local government employees who are now retired and have the skills required for the State to respond to the COVID-19 emergency; and

WHEREAS, PFRS, SPRS and PERS are considered qualified governmental plans under the Internal Revenue Code requiring that certain rules be followed including that when a State or local employee retires and returns to employment with the same employer, the person have had a "bona fide" retirement, which means that there was no pre-arrangement between the retiree and the employer regarding their return to employment; and

WHEREAS, the Division of Pensions and Benefits (the "Division of Pensions") in the New Jersey Department of the Treasury has adopted a rule at N.J.A.C. 17:1-17.14 ("Return to Employment Rule") which sets forth the terms upon which a retiree can return to employment with the same employer; and

WHEREAS, the Division of Pensions has administered the Return to Employment Rule to require that there be a six (6) month period between the date of retirement and the return to employment, and also that there has been no pre-arrangement of that return between the employee and the former employer; and

WHEREAS, the Division of Pensions has administered the Return to Employment Rule to require that retirees returning to work with the same employer and wishing to continue to collect their pension while also getting paid for their work cannot work full time, since working full time may require re-enrollment in the applicable retirement system; and

WHEREAS, in order to obtain additional staffing resources, State departments, agencies, boards, commissions and independent authorities and local municipal and county governments ("Government Agencies") may need to enlist the efforts of retirees on a full-time basis and within the six (6) month period specified in the Return to Employment Rule; and

WHEREAS, because these retirees will be returning to their former employment specifically in response to the unprecedented emergency created by the COVID-19 pandemic, there is less reason to fear that they did not have a "bona fide" retirement; and

WHEREAS, in addition to hiring retirees, Government Agencies may also need to hire new employees, who will need and desire to have health insurance coverage under the State Health Benefits Plan ("SHBP") immediately upon hire, and cannot feasibly complete the sixty (60) day waiting period under State law between the date of

hire of a new employee and the new employee becoming eligible to participate in the SHBP; and

WHEREAS, while law enforcement agencies can address certain of their personnel challenges through the retention of Special Law Enforcement Officers, N.J.S.A. 40A:14-146.17 limits the number of Class Two special law enforcement officers ("SLEO IIs") in communities other than resort municipalities to 25 percent of the number of regular officers, hindering these agencies' ability to fully grow their capacity to respond to the myriad public health and safety challenges presented by this Emergency; and

WHEREAS, for these reasons, among others, strict enforcement of certain statutory provisions that delay the State's efforts to rapidly respond to the spread of COVID-19 is detrimental to the public welfare; 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. For the duration of this Emergency, retirees may return to employment by Government Agencies in any capacity, including but not limited to full-time employee, part-time employee, or special law enforcement officer, without having to re-enroll in any retirement system, if the following conditions are met:

- a. The retiree has retired before the date of this Order; and
- b. The retiree has completed at least a thirty day

separation from their employer, from the date of retirement or the date of Board approval, whichever is later; and

- c. The retiree's return to employment is needed because of the COVID-19 pandemic.

2. Where either (i) a retiree has been retired from public employment for less than six months, and that retiree is returning to their most recent Government Agency employer in any capacity, or (ii) a retiree is returning to work as a full-time employee with their most recent Government Agency employer, then that employer must complete a form provided by the Division of Pensions substantiating that the retiree's return to employment is needed because of the COVID-19 pandemic, based on that retiree's skills and/or experience, and detailing the retiree's general duties, before that retiree may return to employment pursuant to Paragraph 1 of this Order.

3. Any retiree returning to employment under Paragraph 1 of the Order shall, for purposes of any retirement system, continue to be a retiree. If such retiree is already enrolled in the SHBP as a retiree, they shall continue to maintain such coverage during their temporary return to employment.

4. To the degree that they are inconsistent with Paragraph 1 of this Order, the provisions of N.J.S.A. 43:15A-7(d), N.J.S.A. 43:15A-57.2, N.J.S.A. 43:15A-65, N.J.S.A. 43:16A-3, N.J.S.A. 43:16A-15.3, N.J.S.A. 53:5A-5, N.J.S.A. 53:5A-28, and N.J.A.C. 17:1-17.14, are suspended for the duration of this Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect. Nothing in Paragraph 1 of this Order suspends any other statute or regulation governing employees of Government Agencies, including but not limited to job qualifications and age limits.

5. For the duration of this Emergency, any person who is hired by a Government Agency in response to the COVID-19 pandemic, and who is hired on or after the date of issuance of Executive Order No. 103 (2020), may immediately enroll in the SHBP. The Government Agency employer shall complete a form provided by the Division of Pensions substantiating that the new hire was employed in response to the COVID-19 pandemic. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 52:14-17.26, N.J.S.A. 52:14-17.31 and N.J.A.C. 17:9-2.6 (for State employees), and N.J.A.C. 17:9-2.7 (for local government employees), requiring a sixty (60) day waiting period to become eligible for participation in the SHBP, are suspended for the duration of this Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect.

6. The Division of Pensions shall publish a form by April 7, 2020, that employers can fill out to satisfy their obligations relating to retirees under Paragraph 2 of this Order. The Division of Pensions shall publish a separate form by April 7, 2020, that employers can fill out to satisfy their obligations relating to new hires under Paragraph 5 of this Order. Both forms shall be published on the Division of Pensions' Internet website.

7. For the duration of this Emergency, municipalities may employ the number of SLEO IIs as are necessary in the judgment of that law enforcement agency to address public health and safety. The provisions of N.J.S.A. 40A:14-146.17 stating that the number of SLEO IIs in communities other than resort municipalities shall not exceed 25 percent of the total number of regular officers are suspended for the duration of this Emergency.

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 Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

9. Penalties for violations of this Executive 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
6th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 116

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), superseding Executive Order No. 104 (2020) and requiring New Jersey residents to remain home or at their place of residence subject to limited exceptions, cancelling social gatherings, and limiting all restaurants and other dining establishments to offering only food delivery and/or take-out services; and

WHEREAS, as of April 6, 2020, according to the World Health Organization, there were more than 1,210,000 confirmed cases of COVID-19 worldwide, with over 67,000 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, according to the Centers for Disease Control, there were more than 330,000 confirmed cases of COVID-19 in the United States, with over 8,900 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, there were over 41,000 positive cases of COVID-19 in New Jersey, with at least 1,003 of those cases having resulted in death; and

WHEREAS, because allowing certain upcoming elections to proceed during this unprecedented COVID-19 health crisis as they were originally planned would have created hardships and health

risks for voters, poll workers, and candidates alike, I issued Executive Order No. 105 (2020), which declared that certain elections set to take place in March and April were postponed until May 12, 2020; and

WHEREAS, pursuant to N.J.S.A. 19:60-1, annual elections for school boards of education in those Type II school districts that have not moved their elections to November pursuant to N.J.S.A. 19:60-1.1 that were scheduled to be held on April 21, 2020 ("April districts"), were postponed by Executive Order No. 105 (2020); and

WHEREAS, pursuant to N.J.S.A. 18A:22-33, within two days following the certification of school board election results, April districts must certify to the county board of taxation the amount of money that voters approved to raise by taxation for the next school year; and

WHEREAS, pursuant to N.J.S.A. 18A:22-37 and N.J.S.A. 18A:13-19, for April districts where the voters reject a proposed budget, May 19, 2020, is the last date for the governing body of each municipality, after consultation with the school board of education, to determine and certify to the county board of taxation the amount of money necessary for school purposes to be raised by taxation for the ensuing year; and

WHEREAS, pursuant to N.J.S.A. 18A:27-10, by May 15, 2020, nontenured teaching staff members must receive either a written offer of a contract for employment for the next school year or a written notice that such employment will not be offered; and

WHEREAS, pursuant to N.J.S.A. 18A:27-11, April districts that are unable to timely provide such notice to nontenured teaching staff members will be deemed to have offered to that teaching staff member continued employment for the next school year with any required salary increases; and

WHEREAS, pursuant to N.J.S.A. 18A:27-12, any nontenured teaching staff member wishing to accept an offer of employment would have to give written notice to the board of education on or before June 1, 2020; and

WHEREAS, in the event of a rejected budget, the original schedule for the April school board elections gave the school boards of April districts ample time to consult with the governing body of each municipality, to develop and present a new budget to the county board of taxation, and to assess the new budget's impact on the ability to retain non-tenured teachers; and

WHEREAS, the postponement of April school board elections to May 12, 2020, may impair the ability of the governing bodies of municipalities and the school boards of April districts to develop and present budgets to county boards of taxation and to make informed decisions regarding the retention of non-tenured teaching staff members; and

WHEREAS, ensuring that all April districts have ample time to develop and present budgets to the county boards of taxation and notify nontenured teaching staff members of employment decisions is necessary for the proper, effective, and responsible administration of school districts; and

WHEREAS, pursuant to N.J.S.A. 18A:10-3, school boards of April districts must hold an organizational meeting on any day of the first or second week following the election, at which time new members shall take office; and

WHEREAS, pursuant to N.J.S.A. 18A:12-11, school board of education members shall be elected for terms of three years; and

WHEREAS, the terms of school boards of education members who took office at the first organizational meeting following the April election in 2017 are scheduled to expire prior to the May 12, 2020 election; and

WHEREAS, postponing the April 21, 2020 election to May 12, 2020, delays the effective date of the terms of the school board members duly elected until the middle or end of May; and

WHEREAS, without action to lengthen the terms of school board members that are set to expire prior to May 12, 2020, the postponement of the April 21, 2020 election until May 12, 2020 would cause a gap in the effective terms of some school board of education members, creating an adverse disruption to the continuity of the administration of the schools; 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. If a proposed budget is rejected by the voters during the school board elections that will take place on May 12, 2020, as a result of Executive Order No. 105 (2020), the May 19 deadline established by N.J.S.A. 18A:22-37 and N.J.S.A. 18A:13-19 for the governing body of each municipality, after consultation with the school board of education, to present and to certify a tax levy to the county board of taxation shall be extended to June 9, 2020.

2. Notwithstanding N.J.S.A. 18A:27-10 and N.J.S.A. 18A:27-11, the requirement to give notice to nontenured teaching staff members as to whether they will be employed for the next succeeding year shall be satisfied by April districts if such notice is provided by June 5, 2020.

3. Notwithstanding the requirements of N.J.S.A. 18A:27-12, any nontenured teaching staff member that desires to accept such employment offered by the board of education of an April district, shall notify the board of education of such acceptance, in writing, on or before June 22, 2020.

4. The terms of April district school board of education members whose terms are due to expire at the first organizational meeting following the April 21, 2020 election shall be extended to the first organizational meeting following the May 12, 2020 election, at which time the terms of the April district school board of education members elected at the May 12, 2020 election shall begin.

5. The terms of the April district school board of education members elected at the May 12, 2020 election shall run as though they had taken office at the first organizational meeting following the originally scheduled April 21, 2020 election.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
7th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 117

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), the facts and circumstances of which are also adopted by reference herein, affirming the closure of all public and private schools to students for as long as that Order remains in effect (the "school closure period"); and

WHEREAS, pursuant to Executive Order No. 107 (2020), the Commissioner of Education and the New Jersey Department of Education ("NJDOE") are working closely with school districts and educational agencies to ensure that New Jersey students are able to continue their education during the school closure period through appropriate home instruction methods; and

WHEREAS, as of April 6, 2020, according to the World Health Organization, there were more than 1,210,000 confirmed cases of COVID-19 worldwide, with over 67,000 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, according to the Centers for Disease Control, there were more than 330,000 confirmed cases of COVID-19 in the United States, with over 8,900 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, there were over 41,000 positive cases of COVID-19 in New Jersey, with at least 1,003 of those cases having resulted in death; and

WHEREAS, the rapidly-evolving circumstances resulting from COVID-19 demand that the NJDOE operate as efficiently and effectively as possible to ensure that the students of New Jersey continue to receive high-quality education; and

WHEREAS, the ability of the NJDOE to so operate is dependent upon its ability to quickly adapt applicable rules and regulations to fit the unique circumstances presented by COVID-19; and

WHEREAS, on March 24, 2020, due to the mandatory closure of schools throughout the State, the NJDOE submitted a request to the United States Department of Education seeking a waiver of the federal requirement to administer all assessments required under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 ("ESSA"), for school year 2019-2020; and

WHEREAS, on March 24, 2020, the United States Department of Education waived the federal requirement mandating that New Jersey administer annual statewide assessments required pursuant to section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, for school year 2019-2020; and

WHEREAS, on March 24, 2020, I announced that statewide assessments would be cancelled for the Spring 2020 testing window, as it is not feasible to move forward with statewide assessments while students are unable to physically attend school due to necessary COVID-19-related closures; and

WHEREAS, the waiver of the federal requirement for statewide assessments does not automatically waive New Jersey statutory and regulatory requirements associated with the administration of annual statewide assessments; and

WHEREAS, pursuant to N.J.S.A. 18A:7C-6.2, a statewide assessment must be administered to all eighth-grade students to assess progress toward mastery of State graduation proficiency standards and this assessment is a part of the statewide assessment system administered in accordance with ESSA accountability requirements; and

WHEREAS, in light of my March 24, 2020 decision to cancel all statewide assessments, the statutory mandate for a statewide eighth-grade assessment must be similarly addressed; and

WHEREAS, pursuant to N.J.S.A. 18A:7C-6, all students must demonstrate proficiency on a state assessment as a condition of graduation from high school; and

WHEREAS, pursuant to N.J.S.A. 18A:7C-3, any twelfth-grade student who has not met the graduation assessment requirement but who has met all the credit, curriculum, and attendance requirements shall be eligible for graduation by way of a portfolio appeal submitted by the school district to the NJDOE; and

WHEREAS, the NJDOE projects that approximately 13,000 students in the class of 2020 will utilize the portfolio appeal process to satisfy the statutory graduation assessment requirement; and

WHEREAS, as of March 27, 2020, approximately 650 portfolio appeals had been received and approved by the NJDOE, leaving approximately 95% of all anticipated portfolio appeals still in need of completion and/or approval; and

WHEREAS, the closure of all schools pursuant to Executive Order No. 107 (2020) presents substantive and procedural difficulties for districts in the compiling of complete portfolio appeals; and

WHEREAS, pursuant to N.J.S.A. 18A:6-123(b)(2) and (4), student performance on statewide assessments must serve as a measure of student progress in overall educator evaluations; and

WHEREAS, the cancellation of statewide assessments for the Spring 2020 testing window will necessarily result in the absence of data regarding student achievement and performance for the 2019-2020

school year and thus prohibit the inclusion of such data as a measure of overall educator performance and evaluation; and

WHEREAS, pursuant to N.J.S.A. 18A:6-123(b)(3), student growth towards locally-determined academic goals must serve as a measure of educator effectiveness in overall educator evaluation; and

WHEREAS, the closure of elementary and secondary schools to students prevents school and district administrators from setting and measuring student performance against locally-determined academic goals; and

WHEREAS, pursuant to N.J.S.A. 18A:6-123(b)(6), educator performance must be linked to student achievement, which involves student performance on statewide assessments and student growth towards locally-determined academic goals; and

WHEREAS, N.J.S.A. 18A:6-121 requires school district superintendents to conduct evaluations of each principal employed by the school district, including an annual summative evaluation, and requires the principal, in conjunction with the superintendent or his or her designee, to conduct evaluations of each assistant principal and vice principal employed in the principal's school, including an annual summative evaluation; and

WHEREAS, given the interference of the present circumstances with the ability of school district administrators to engage in observation and evaluation of principals, assistant principals, and vice principals, the statutory requirements pursuant to N.J.S.A. 18A:6-121 to conduct administrator evaluations are no longer reasonable or appropriate for certain staff members under the circumstances; and

WHEREAS, pursuant to N.J.S.A. 18A:27-3.1, all non-tenured teaching staff must be observed and evaluated in the performance of their duties a minimum of three times prior to April 30 of each school year; and

WHEREAS, Executive Order No. 104 (2020) closed all schools to students effective March 18, 2020, approximately six weeks prior to the April 30 observation and evaluation deadline; and

WHEREAS, given the interference of the present circumstances with the ability of school district administrators to engage in observation and evaluation of non-tenured teaching staff since March 18, 2020, the requirement of three observations and evaluations prior to April 30, 2020, if not already satisfied, is no longer reasonable or appropriate under the circumstances; 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. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

2. The statutory requirement for a statewide assessment of all eighth-grade students pursuant to N.J.S.A. 18A:7C-6.2 is waived and such assessment is cancelled for the 2019-2020 school year.

3. The statutory graduation assessment requirement mandated by N.J.S.A. 18A:7C-1 et seq. is waived for any twelfth-grade student who is expected to graduate in the class of 2020 but, as of March 18, 2020, had not met said graduation assessment requirement.

4. For the 2019-2020 school year, N.J.S.A. 18A:6-121 and N.J.S.A. 18A:6-123(b) (2), (3), (4), and (6) shall be waived and student growth data shall not be used as a measure of educator effectiveness in the overall evaluation of any educator.

5. The statutory requirement of three observations and evaluations for all non-tenured teaching staff as outlined in N.J.S.A. 18A:27-3.1 is waived for the 2019-2020 school year.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
7th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 118

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I adopted statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered additional steps to mitigate community spread of COVID-19 and superseded Executive Order No. 104 (2020); and

WHEREAS, Executive Order No. 107 (2020) clarified that it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance; and

WHEREAS, to further limit community spread from person-to-person contact through social distancing, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence and cancelled all public and social gatherings; and

WHEREAS, Executive Order No. 108 (2020) invalidated any county or municipal restrictions imposed in response to COVID-19 that in any way conflict with Executive Order No. 107 (2020), but contained an exception allowing municipalities and counties to, among other things, impose additional restrictions at municipal or county parks; and

WHEREAS, since the issuance of Executive Order No. 107 (2020), public interaction and gatherings at county and state parks throughout the State, including lands under the Department of Environmental Protection's ("DEP") jurisdiction, have been observed in a manner that is inconsistent with and threatens to undermine the social mitigation strategies necessary to limit the spread of COVID-19, creating risks to public health; and

WHEREAS, lands under DEP's jurisdiction include all State parks, forests, recreation areas, historic sites, marinas, golf courses, botanical gardens, and other lands, waters, and facilities assigned to the State Park Service in DEP's Division of Parks and Forestry ("State Parks and Forests"); and

WHEREAS, recent instances of non-compliance with Executive Order No. 107 have continued in the State Parks and Forests despite verbal warnings and orders to disperse gatherings, ejections from the parks, and the issuance of citations by law enforcement; and

WHEREAS, public usage of State Parks and Forests, as well as county parks, is anticipated to increase during the upcoming spring holiday season and beyond as the weather continually improves outdoors; and

WHEREAS, such increased public usage is likely to encourage additional public interactions and gatherings at State Parks and Forests, as well as county parks, that are inconsistent with and threaten to undermine the State's current social mitigation strategies required by Executive Order No. 107 (2020); and

WHEREAS, it is in the public interest to take decisive action to protect public health by further discouraging uses of public lands that are inconsistent with Executive Order No. 107 (2020); 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. Paragraph 3 of Executive Order No. 108 (2020) is hereby superseded to the extent that it allows counties to impose additional restrictions at county parks in response to COVID-19.

2. All State Parks and Forests and county parks must close to the public as long as this Order remains in effect. 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 categories of parks subject to this Order.

3. 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 Executive Order.

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

5. This Order shall take effect on Tuesday, April 7, 2020, at 8:00 p.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
7th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 119

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 (the "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. 104-118 (2020), 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, which means the Public Health Emergency declared in Executive Order No. 103 (2020) on March 9, 2020, shall terminate on April 8, 2020, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, since the Public Health Emergency was declared on March 9, 2020 – at which time there were 11 presumed positive cases of COVID-19 in New Jersey – the public health hazard presented by the

COVID-19 outbreak has only grown in scope in New Jersey, in the region, and across the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services ("HHS") Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to his constitutional and statutory powers, including those granted by Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5; and

WHEREAS, the emergency declarations by the President and the HHS Secretary remain in effect today; and

WHEREAS, also on March 13, 2020, the President determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant an emergency declaration under Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), 42 U.S.C. § 5121-5207, which remains in effect today; and

WHEREAS, on March 25, 2020, the President determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a major disaster declaration under Section 401 of the Stafford Act, 42 U.S.C. § 5121-5207, which remains in effect today; and

WHEREAS, as of April 7, 2020, the governments of 41 states, the District of Columbia, and Puerto Rico have ordered residents to stay at home in order to reduce the transmission of COVID-19 in their states and across the United States; and

WHEREAS, as of April 6, 2020, according to the World Health Organization, there were more than 1,210,000 confirmed cases of COVID-19 worldwide, with over 67,000 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, according to the Centers for Disease Control, there were more than 330,000 confirmed cases of COVID-19 in the United States, with over 8,900 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, there were over 41,000 positive cases of COVID-19 in New Jersey, with at least 1,003 of those cases having resulted in death; and

WHEREAS, as of April 6, 2020, there were 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, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is anticipated to continue to increase for the immediate future; and

WHEREAS, although the State has made all reasonable efforts to procure medical resources from the federal government, existing State supplies, donations, and private sector purchasing, there is a critical shortage of medical resources in the State, particularly in hospitals, healthcare facilities, and emergency response agencies in the northern region of the State where the spread of COVID-19 is particularly acute and where there has been a particularly high volume of COVID-19 hospitalizations; and

WHEREAS, the Commissioner of the Department of Health ("DOH") has also determined that the State needs the help of additional qualified health, mental health, and related professionals to supplement our healthcare capacity on a temporary basis to address the health care needs relating to the COVID-19 outbreak; and

WHEREAS, there are also thousands of law enforcement officers in New Jersey currently unable to report to duty, the vast majority of which because they tested positive for COVID-19 or are currently in quarantine; 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 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 consultation with the Commissioner of DOH confirms 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
7th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 120

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) 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, to further 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 (2020) 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; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), superseding Executive Order No. 104 (2020) and requiring New Jersey residents to remain home or at their place of residence subject to limited exceptions, cancelling social gatherings, and limiting all restaurants and other dining establishments to offering only food delivery and/or take-out services; and

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

WHEREAS, as of April 7, 2020, according to the World Health Organization, there were more than 1,279,000 confirmed cases of COVID-19 worldwide, with over 72,000 of those cases having resulted in death; and

WHEREAS, as of April 7, 2020, according to the Centers for Disease Control, there were more than 374,000 confirmed cases of COVID-19 in the United States, with over 12,000 of those cases having resulted in death; and

WHEREAS, as of April 7, 2020, there were over 44,400 positive cases of COVID-19 in New Jersey, with at least 1,232 of those cases having resulted in death; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 105 (2020), which declared that certain elections set to take place in March and April were postponed until May 12, 2020, because allowing those elections to proceed as they were originally planned during this unprecedented COVID-19 health crisis would create hardships and health risks for voters, poll workers and candidates alike; and

WHEREAS, pursuant to Executive Order No. 105 (2020), there will be no polling places in the elections now scheduled for May 12, 2020, and all registered voters will instead be receiving vote-by-mail ballots; and

WHEREAS, pursuant to N.J.S.A. 19:2-1 and N.J.S.A. 19:23-40, the primary elections for the November general election are scheduled to be held on June 2, 2020, the Tuesday after the first Monday in June; and

WHEREAS, pursuant to N.J.S.A. 19:2-1, the primary elections for delegates and alternates to the national conventions of political parties are scheduled to be held on June 2, 2020, the Tuesday after the first Monday in June; and

WHEREAS, preparations for the June primary elections begin in earnest in April with, among other steps, the submission of the certified list of suggested polling places pursuant to N.J.S.A. 19:8-2 and the mailing of vote-by-mail ballots for the June primary elections pursuant to N.J.S.A. 19:63-9; and

WHEREAS, public health officials have predicted that the peak of COVID-19 cases in New Jersey will occur in April; and

WHEREAS, preparing for the June primary elections during the potential height of the COVID-19 emergency will negatively impact election officials' preparation efforts; and

WHEREAS, the COVID-19 emergency and its impact are likely to extend for an as-yet-undetermined period of time beyond the estimated peak; and

WHEREAS, the uncertain timeline of the COVID-19 emergency makes it difficult for election officials and voters to properly plan and prepare for and fully participate in the June primary elections; and

WHEREAS, in recognition of the severity of and uncertainty surrounding the COVID-19 emergency, the Democratic National Convention has been postponed from July 13-16, 2020, to August 17-20, 2020 - close in time to the Republican National Convention, which is scheduled for August 24-27, 2020; and

WHEREAS, both national party conventions are now being held in August, which mitigates the need for the presidential primary elections and the primary elections for delegates and alternates to the national conventions to be held in June; and

WHEREAS, the June primary elections for the United States Senate, the United States House of the Representatives, and the 25th Legislative District of the New Jersey Legislature, as well as upcoming county and municipal primary elections and county committee elections, are not tied to national or state party conventions, providing flexibility on when they can occur; and

WHEREAS, the June primary elections do not implicate budget deadlines, employment decisions, or forms of government like certain elections that were changed to exclusively vote-by-mail in Executive Order No. 105 (2020), and therefore can be postponed without impacting federal, state, or local government functions; and

WHEREAS, States generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law; and

WHEREAS, allowing the June primary elections to proceed as they were originally planned during this unprecedented COVID-19 health crisis will create hardships and health risks for voters, poll workers, and candidates alike; and

WHEREAS, election officials require flexibility and sufficient lead time to adapt the State's voting infrastructure to confront the magnitude of the public health and safety risks of the COVID-19 pandemic; and

WHEREAS, social distancing measures are required for a period of as-yet-undetermined duration, and the COVID-19 outbreak may have significant effects on New Jersey's voting systems as long as social distancing measures are in place and for some time thereafter; and

WHEREAS, the full participation of voters and candidates is critical to a robust democracy; and

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on the upcoming primary and other scheduled elections carries the risk of disenfranchising countless citizens; and

WHEREAS, expecting voters to report to public polling locations to vote in June in the midst of the COVID-19 crisis will hinder public participation in the democratic process, particularly among elderly and immune-compromised voters, and undermine the legislative intent of provisions like N.J.S.A. 19:8-2 and 19:8-3.1, which are designed to ensure that such voters can exercise their right to vote; and

WHEREAS, postponing the June primary elections will give New Jersey election officials enough time to take the necessary steps to address the negative impacts of the present health crisis on the upcoming primary elections, allowing voters to exercise their constitutional franchise without jeopardizing their health

and safety, and increase the likelihood that the elections will include in-person voting; and

WHEREAS, in lieu of a primary election, Independent candidates must submit petitions for direct nomination for the November general election, N.J.S.A. 19:13-3 through -9; and

WHEREAS, pursuant to N.J.S.A. 19:13-9, petitions for direct nomination for the November general election are due by 4:00 p.m. on the day of the primary election for the general election, which currently is June 2, 2020; and

WHEREAS, to ensure that Independent candidates are not disadvantaged relative to political party candidates, postponing the June primary elections should also result in the postponement of the deadline for petitions for direct nomination for the general election; and

WHEREAS, to limit unnecessary person-to-person contact during the COVID-19 emergency, Executive Order No. 105 (2020) also required the electronic collection and submission of political party candidate and delegate petitions through an online form created by the Secretary of State; and

WHEREAS, allowing Independent candidates to submit their petitions electronically, in addition to hand delivery, will help limit unnecessary person-to-person contact; and

WHEREAS, allowing voters to fill out and submit petitions electronically, so that candidates and campaigns need not physically gather petitions by going to individual voters in person, will help limit unnecessary person-to-person contact; and

WHEREAS, New Jersey citizens are presently faced with the choice of exercising their constitutional franchise, or endangering their health and safety; 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 federal and State primary elections scheduled for June 2, 2020, shall be postponed and rescheduled for Tuesday, July 7, 2020.

2. Any other election scheduled for a date on or between May 13, 2020, and July 7, 2020, shall be postponed and rescheduled for Tuesday, July 7, 2020.

3. With the primary elections being postponed and rescheduled for July 7, 2020, all deadlines for meeting statutory requirements for a primary election shall be calculated using the July 7, 2020 primary election date, except for any deadlines that occur prior to April 11, 2020 when calculated using the June 2, 2020 date, including but not limited to the filing deadline for candidate petitions for the primary election. Notwithstanding the preceding sentence, the party affiliation deadline under N.J.S.A. 19:23-45 shall be calculated based on the July 7, 2020 primary election date.

4. Petitions for direct nomination for the general election filed under N.J.S.A. 19:13-3 through -9 shall be due by 4:00 p.m. on July 7, 2020.

5. The electronic signature and submission requirements that are set forth in Paragraphs 1, 2, 3, 4, and 5 of Executive Order No. 105 (2020) shall be extended to the petitions for direct nomination for the general election filed under N.J.S.A. 19:13-3 through -9 that are due by 4:00 p.m. on July 7, 2020.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
8th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 121

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, on April 7, 2020, through Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, I declared that the Public Health Emergency that was declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 13, 2020, the Federal Motor Safety Carrier Administration issued Emergency Declaration 2020-02, pursuant to 49 C.F.R. 390.23, waiving Parts 90 to 99 of Title 49 of the C.F.R. to allow motor carriers to more efficiently and swiftly deliver emergency relief, as that term is defined in 49 C.F.R. 390.05T, needed to prevent or treat COVID-19 or to address shortages caused by the COVID-19 pandemic, but not varying highway weight requirements for federal motor carriers; and

WHEREAS, on March 25, 2020, the President of the United States determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a major disaster declaration under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), 42 U.S.C. 5121-5207, which remains in effect today; and

WHEREAS, 23 U.S.C. 127 provides that a State may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if the President has declared the emergency to be a major disaster under the Stafford Act, the permits are issued in accordance with state law, and the permits are issued exclusively to vehicles and loads that are delivering relief supplies; and

WHEREAS, the Commissioner of the New Jersey Department of Transportation ("NJDOT") has authority to regulate traffic on State highways and transportation systems; and

WHEREAS, the New Jersey Turnpike Authority and South Jersey Transportation Authority have authority to regulate traffic on roadways within their respective jurisdictions; and

WHEREAS, the Commissioner of NJDOT has recognized that a specific transportation emergency exists throughout the State in that some deliveries of relief supplies may be delayed or deterred due to the existing regulations concerning Gross Vehicle Weights ("GVW") on Interstate Highways, which delay or deterrence would negatively impact the public health, safety, and welfare; and

WHEREAS, motor vehicles with a GVW of 80,000 pounds are the current maximum limit within Interstate Highway System, and given the urgent need to transport relief supplies and essential materials quickly and efficiently, there may be circumstances when that maximum weight needs to be temporarily exceeded; and

WHEREAS, the continued and uninterrupted delivery of relief supplies throughout the State during this State of Emergency and Public Health Emergency is vital to the preservation of the health, safety, and welfare of the residents of New Jersey; and

WHEREAS, the Commissioner of NJDOT, the New Jersey Turnpike Authority, and South Jersey Transportation Authority have determined that the operation of overweight vehicles pursuant to the terms of this Order is consistent with roadway safety; and

WHEREAS, issuing special permits to what would otherwise be overweight vehicles for the delivery of relief supplies will facilitate recovery efforts while not compromising roadway safety; 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. Motor vehicles transporting relief supplies necessary for the response to the COVID-19 State of Emergency and Public Health Emergency shall be eligible to receive a special permit issued by NJDOT allowing up to a 15% tolerance, for a maximum of 92,000 pounds, on a vehicle with a minimum of five axles, above any weight limit imposed by statute or regulations at N.J.A.C. 13:18-1 et seq., on the Highways or portions thereof set forth in paragraph 4. This increased tolerance shall be the only increased tolerance applicable to the vehicle and includes gross weight and axle weight.

2. For purposes of this Order, relief supplies relating to the COVID-19 State of Emergency and Public Health Emergency include but are not limited to, medicine, medical equipment, food supplies including feed for livestock, water, and materials for construction of temporary housing and healthcare facilities.

3. Motor vehicles exceeding 80,000 pounds and carrying a divisible load of relief supplies shall obtain a permit through a web-based portal maintained at <https://www.state.nj.us/transportation/freight/trucking/oversize.shtml>

4. The additional 15% increased weight tolerance only applies to the following roadways:

a. the Interstates within the State;

- b. the New Jersey Turnpike;
- c. the Garden State Parkway from Exit 105 Southbound;
and
- d. the Atlantic City Expressway.

5. Notwithstanding the provisions of this Order, the additional 15% increased weight tolerance permitted by this Order shall not apply to the following, and instead the current weight restrictions as determined by the Commissioner of NJDOT, New Jersey Turnpike Authority, and South Jersey Transportation Authority shall apply:

- a. I-78 Eastbound and Westbound bridges at Milepost 8.71 over Norfolk Southern Railroad in Hunterdon County;
- b. I-80 Ramp D (Landing Rd SB to I-80 EB) at Milepost 28.91 over Landing Road Northbound in Morris County, upon which the Commissioner determines the weight restrictions shall remain; and
- c. North of Exit 105 on the Garden State Parkway.

6. Notwithstanding the provisions of this Order, motor vehicles shall not exceed any tire manufacturer's maximum load capacity rating.

7. Other than for reasonable access to terminals, as set forth in N.J.A.C. 16:32-1.5, existing weight restrictions remain on all other State, county and local roads.

8. Nothing in this Executive Order relieves the motor carrier or driver of the responsibility for safe operation of the vehicle.

9. This Order is not intended to modify or supersede the existing authorities of the New Jersey Attorney General or State Director of Emergency Management, who is the Superintendent of the State Police, regarding roadways within the State.

10. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or

resolution which will or might in any way conflict with any of the provisions of this Executive Order, or which will in any way interfere with or impede its achievement.

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 Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

12. This Order shall take effect at 9:00 p.m. on April 8, 2020, and shall remain in effect for 120 days following March 25, 2020, which is the date of the President's major disaster declaration under the Stafford Act, unless otherwise rescinded, superseded or revised by me.

GIVEN, under my hand and seal this
8th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 122

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

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

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020), on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, Executive Order No. 107 (2020) closed non-essential retail businesses to the public, but permitted essential retail businesses and other businesses that require an in-person workforce to continue to operate; and

WHEREAS, Executive Order No. 107 (2020) institutes clear parameters on essential retail businesses that are permitted to operate and requires that all businesses or non-profits utilize telework or work-from-home arrangements wherever practicable; and

WHEREAS, Executive Order No. 107 (2020) stated that businesses or non-profits who have employees who cannot perform their functions via telework or work-from-home arrangements should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 107 (2020) noted that examples of such workers who need to be physically present at their work site include construction workers; and

WHEREAS, construction sites are inherently difficult environments for social distancing to occur, as they frequently require large numbers of individuals to touch the same surfaces, gather closely together in areas such as service elevators, and use common facilities such as portable restrooms; and

WHEREAS, while some construction is needed to expand our health care system's capacity, address immediate infrastructure deficiencies, and prevent future disruptions in various areas such as education, housing, and transportation, which are themselves tied to the public health and safety, other construction projects do not need to proceed immediately and should be postponed in light of public health considerations; and

WHEREAS, essential retail businesses continue to deliver critical goods like food and medical supplies to the State's residents; and

WHEREAS, the State's manufacturing and warehousing businesses, where essential goods are made and/or stored before delivery to the retail business or consumer, continue to provide a vital service to the public by fueling our supply chain and continue to contribute to New Jersey's response to the present pandemic; and

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

WHEREAS, as of April 7, 2020, according to the World Health Organization, there were more than 1,279,000 confirmed cases of COVID-19 worldwide, with over 72,000 of those cases having resulted in death; and

WHEREAS, as of April 7, 2020, according to the Centers for Disease Control, there were more than 374,000 confirmed cases of COVID-19 in the United States, with over 12,000 of those cases having resulted in death; and

WHEREAS, as of April 7, 2020, there were over 44,400 positive cases of COVID-19 in New Jersey, with at least 1,232 of those cases having resulted in death; and

WHEREAS, workers at essential retail businesses are continually exposed to members of the public, increasing their risk of exposure to COVID-19; and

WHEREAS, workers in the manufacturing, warehousing, and construction industries are typically forced to work in close contact with other individuals and regularly come into contact with goods, materials, and equipment that is delivered or accessible to members of the public; and

WHEREAS, even as we have limited essential business operations, the number of COVID-19 cases in New Jersey is anticipated to continue to increase for the immediate future,

meaning we must take additional steps to ensure that businesses are following public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices; and

WHEREAS, imposing specific mitigation requirements on these industries will permit members of the public to access essential goods and services while also preventing increased spread of COVID-19; and

WHEREAS, the CDC has stated that such cloth face coverings must fit snugly but comfortably against the side of the face, be secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine dried without damage or change to shape; and

WHEREAS, the CDC has also stated that cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, the CDC has stated that older adults and people of any age who have serious underlying medical conditions might be at higher risk for severe illness from COVID-19; and

WHEREAS, the CDC has now recommended that all residents wear cloth face coverings in public settings where other social distancing measures are difficult to maintain, such as grocery stores and pharmacies, particularly in areas of significant community-based transmission; and

WHEREAS, the CDC has also recommended certain cleaning and disinfecting procedures for businesses to reduce potential spread of COVID-19 to staff and members of the public; and

WHEREAS, the CDC has stated that older adults and people of any age who have serious underlying medical conditions might be at higher risk for severe illness from COVID-19; 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. Where an essential retail business is permitted to maintain in-person operations pursuant to Executive Order No. 107 (2020) and any subsequent Administrative Orders, such business must adopt policies that include, at minimum, the following requirements:

- a. Limit occupancy at 50% of the stated maximum store capacity, if applicable, at one time;
- b. Establish hours of operation, wherever possible, that permit access solely to high-risk individuals, as defined by the CDC;
- c. Install a physical barrier, such as a shield guard, between customers and cashiers/baggers wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment and/or exchange of goods;
- d. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- e. Provide employees break time for repeated handwashing throughout the workday;

- f. Arrange for contactless pay options, pickup, and/or delivery of goods wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;
- g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- h. Require frequent sanitization of high-touch areas like restrooms, credit card machines, keypads, counters and shopping carts;
- i. Place conspicuous signage at entrances and throughout the store, if applicable, alerting staff and customers to the required six feet of physical distance;
- j. Demarcate six feet of spacing in check-out lines to demonstrate appropriate spacing for social distancing; and
- k. Require workers and customers to wear cloth face coverings while on the premises, except where doing so would inhibit that individual's health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers or goods. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual, unless the business is providing medication,

medical supplies, or food, in which case the business policy should provide alternate methods of pickup and/or delivery of such goods. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on store premises due to a medical condition that inhibits such usage, neither the essential retail business nor its staff shall require the individual to produce medical documentation verifying the stated condition.

2. The physical operations of all non-essential construction projects shall cease when this Order takes effect. "Essential construction projects" shall be defined as the following:

- a. Projects necessary for the delivery of health care services, including but not limited to hospitals, other health care facilities, and pharmaceutical manufacturing facilities;
- b. Transportation projects, including roads, bridges, and mass transit facilities or physical infrastructure, including work done at airports or seaports;
- c. Utility projects, including those necessary for energy and electricity production and transmission, and any decommissioning of

- facilities used for electricity generation;
- d. Residential projects that are exclusively designated as affordable housing;
 - e. Projects involving pre-K-12 schools, including but not limited to projects in Schools Development Authority districts, and projects involving higher education facilities;
 - f. Projects already underway involving individual single-family homes, or an individual apartment unit where an individual already resides, with a construction crew of 5 or fewer individuals. This includes additions to single-family homes such as solar panels;
 - g. Projects already underway involving a residential unit for which a tenant or buyer has already entered into a legally binding agreement to occupy the unit by a certain date, and construction is necessary to ensure the unit's availability by that date;
 - h. Projects involving facilities at which any one or more of the following takes place: the manufacture, distribution, storage, or servicing of goods or products that are sold by online retail businesses or essential retail businesses, as defined by Executive Order No. 107 (2020) and subsequent Administrative Orders adopted pursuant to that Order;
 - i. Projects involving data centers or facilities that are critical to a business's ability to function;
 - j. Projects necessary for the delivery of essential social services, including homeless shelters;

- k. Any project necessary to support law enforcement agencies or first responder units in their response to the COVID-19 emergency;
- l. Any project that is ordered or contracted for by Federal, State, county, or municipal government, or any project that must be completed to meet a deadline established by the Federal government;
- m. Any work on a non-essential construction project that is required to physically secure the site of the project, ensure the structural integrity of any buildings on the site, abate any hazards that would exist on the site if the construction were to remain in its current condition, remediate a site, or otherwise ensure that the site and any buildings therein are appropriately protected and safe during the suspension of the project; and
- n. Any emergency repairs necessary to ensure the health and safety of residents.

3. Manufacturing businesses, warehousing businesses, and businesses engaged in essential construction projects must adopt policies that include, at minimum, the following requirements:

- a. Prohibit non-essential visitors from entering the worksite;
- b. Limit worksite meetings, inductions, and workgroups to groups of fewer than ten individuals;
- c. Require individuals to maintain six feet or more distance between them wherever possible;
- d. Stagger work start and stop times where practicable to limit the number of individuals entering and leaving the worksite concurrently;

- e. Stagger lunch breaks and work times where practicable to enable operations to safely continue while utilizing the least number of individuals possible at the site;
- f. Restrict the number of individuals who can access common areas, such as restrooms and breakrooms, concurrently;
- g. Require workers and visitors to wear cloth face coverings, in accordance with CDC recommendations, while on the premises, except where doing so would inhibit the individual's health or the individual is under two years of age, and require workers to wear gloves while on the premises. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a visitor refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual. Nothing in the stated policy should prevent workers or visitors from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the businesses is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on the premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the

stated condition;

- h. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- i. Limit sharing of tools, equipment, and machinery;
- j. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to workers and visitors; and
- k. Require frequent sanitization of high-touch areas like restrooms, breakrooms, equipment, and machinery.

4. All essential retail businesses, warehousing businesses, manufacturing businesses, and businesses performing essential construction projects must also adopt policies that include, at minimum, the following requirements:

- a. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;
- b. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;
- c. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and
- d. Continue to follow guidelines and directives issued by the New Jersey Department of Health, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

5. Where a business is authorized to maintain in-person operations pursuant to Executive Order No. 107 (2020) and subsequent Administrative Orders, owners of buildings used for commercial, industrial or other enterprises, including but not limited to facilities for warehousing, manufacturing, commercial offices, airports, grocery stores, universities, colleges, government, hotels, and residential buildings with at least 50 units, shall adopt policies that, at minimum, implement the following cleaning protocols in areas where operations are conducted:

- a. Clean and disinfect high-touch areas routinely in accordance with CDC guidelines, particularly in spaces that are accessible to staff, customers, tenants, or other individuals, and ensure cleaning procedures following a known or potential exposure in a facility are in compliance with CDC recommendations;
- b. Otherwise maintain cleaning procedures in all other areas of the facility; and
- c. Ensure that the facility has a sufficient number of workers to perform the above protocols effectively and in a manner that ensures the safety of occupants, visitors, and workers.

6. The State Director of Emergency Management ("State Director"), 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 Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

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

9. This Order shall take effect beginning at 8:00 p.m. on Friday, April 10, 2020, 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
8th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 123

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020), on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, through Executive Order No. 119 (2020), which I signed on April 7, 2020, all Executive Orders, Administrative Orders, and actions taken by any Executive Branch departments and

agencies in whole or in part based on the authority under the Emergency Health Powers Act to respond to the Public Health Emergency presented by the COVID-19 outbreak remain in full force and effect; and

WHEREAS, as of April 8, 2020, according to the World Health Organization, there were more than 1,350,000 confirmed cases of COVID-19 worldwide, with over 79,000 of those cases having resulted in death; and

WHEREAS, as of April 8, 2020, according to the CDC, there were more than 395,000 confirmed cases of COVID-19 in the United States, with over 12,700 of those cases having resulted in death; and

WHEREAS, as of April 8, 2020, there were over 47,000 positive cases of COVID-19 in New Jersey, with at least 1,504 of those cases having resulted in death; and

WHEREAS, as of April 8, 2020, there were 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 emergency public health measures implemented to combat COVID-19 are contributing to widespread interruptions and loss of income for many New Jersey consumers and businesses; and

WHEREAS, according to the New Jersey Department of Labor and Workforce Development, nearly 215,000 new unemployment claims were filed with the department for the week ending April 4, 2020 bringing the two-week total of new claims to almost 577,000; and

WHEREAS, on March 19, 2020, the Commissioner of Banking and Insurance issued Bulletin 20-04, which encouraged entities regulated by the Division of Insurance to assist policyholders affected by the COVID-19 outbreak by relaxing due dates, and allowing deferments and forbearances in a manner "consistent with prudent insurance practices"; and

WHEREAS, Bulletin 20-04 also encouraged entities regulated by the Division of Banking to assist persons affected by the COVID-19 outbreak by relaxing due dates, extending grace periods, and waiving late fees in a manner "consistent with safe-and-sound banking practices"; and

WHEREAS, an insurer may cancel an insured's coverage for failure to pay a health insurance premium following a "grace period," which periods are established by Titles 17 and 17B of the Revised Statutes, including but not limited to, a period of not less than 10 days for hospital service corporations (N.J.S.A. 17:48-6), medical service corporations (N.J.S.A. 17:48A-6), dental service corporations (N.J.S.A. 17:48C-8), and health service corporations (N.J.S.A. 17:48E-19); not less than 31 days for individual health insurance policies (N.J.S.A. 17B:26-6); and for the time specified in a group policy (N.J.S.A. 17B:27-37); and

WHEREAS, an insurer may cancel an insured's coverage for failure to pay a life insurance premium following a "grace period," which periods are established by Title 17B of the Revised Statutes, including but not limited to, a period of not less than 30 days for traditional life insurance (N.J.S.A. 17B:25-3), and in certain circumstances for account value life insurance policies not less than 60 days (N.J.A.C. 11:4-41.3); and

WHEREAS, an insurer may cancel an insured's coverage for failure to pay premium for property and casualty insurance following a "grace period," which periods are established by Title 17 of the Revised Statutes, including but not limited to, for other than personal automobile and workers' compensation, upon not less than 10 days' written notice to the insured (N.J.A.C. 11:1-20.2); for personal automobile insurance, upon not less than 15 days written notice to the insured (N.J.S.A. 17:29C-8, N.J.A.C. 11:3-7.6, and 11:3-8.11); and for workers' compensation insurance,

upon not less than 30 days' written notice to the insured (N.J.S.A. 17:29C-1); and

WHEREAS, an insurance premium finance company may cancel an insurance contract upon default, upon not less than 10 days written notice under N.J.S.A. 17:16D-13; and

WHEREAS, while currently health benefits plans generally include a grace period during which period the policy shall continue in force, in certain policies an extended grace period is available during which period claims may be pended and, if premium is not paid, become the policyholder's responsibility; and

WHEREAS, the statutory scheme described herein could result in the cancellation of health benefits, life insurance, or other types of insurance for New Jersey residents, at a time when many residents will require access to health care relating to COVID-19 and at a time when the health care system is extended; and

WHEREAS, it is necessary to replace these grace periods with extended "emergency grace periods" to prevent the loss of access to benefits and insurance during a Public Health Emergency; and

WHEREAS, for these reasons, among others, the strict enforcement of certain statutory provisions relating to insurance grace periods is detrimental to the public welfare; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, pursuant to N.J.S.A. App. A:7-1, the Commissioner of the Department of Banking and Insurance has the power to make, alter, amend, and rescind rules and regulations imposing any condition upon the conduct of the business of any insurance company that may be necessary or desirable to maintain sound methods of insurance and to safeguard the interests of policyholders,

beneficiaries, and the public generally, during the period of an emergency; 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. All property and casualty insurance companies, life insurance companies, insurance premium finance companies, health insurance companies, health maintenance organizations, health service corporations and other entities issuing health or dental benefits plans in this State (collectively, "subject entities") shall not cancel during the emergency grace period any policy or contract as a result of nonpayment as defined as follows:

- a. In the case of property and casualty insurance companies, life insurance companies, and insurance premium finance companies, for a period of at least 90 days, during which period claims shall be paid without regard to prior nonpayment of premium by the policyholder; and
- b. In the case of health insurance companies, health maintenance organizations, health service corporations and other entities issuing health or dental benefits plans in this State, for a period of at least 60 days, during which period claims shall be paid without regard to prior nonpayment of

premium by the policyholder and the cost of which claim may not be recouped during or after the emergency grace period from the policyholder based upon the nonpayment of the premium.

2. The Commissioner of the Department of Banking and Insurance may extend these emergency grace periods further as necessary to protect the interests of policyholders, beneficiaries, and the public. Subject entities shall notify policyholders of this emergency grace period in a manner prescribed by the Commissioner. Subject entities shall further exercise any forbearances on collection documentation and other regulatory requirements as are prescribed by the Commissioner, including with respect to late fees, interest, or other charges associated with delays in premium payments.

3. At the conclusion of the emergency grace period, the policyholder's unpaid premium shall be amortized over a period of time as directed by the Commissioner.

4. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 17:16D-13, N.J.S.A. 17:29C-1, N.J.S.A. 17:29C-8, N.J.S.A. 17:48-6, N.J.S.A. 17:48A-6, N.J.S.A. 17:48C-8, N.J.S.A. 17:48E-19, N.J.S.A. 17:48E-24, N.J.S.A. 17B:25-3, N.J.S.A. 17B:25-18.2, N.J.S.A. 17B:26-6, N.J.S.A. 17B:27-37, N.J.S.A. 17B:27A-17, N.J.S.A. 17B:27A-24, N.J.A.C. 11:20 Appendices A and B, N.J.A.C. 11:21 Appendices F and G, N.J.A.C. 11:24-17.4, N.J.A.C. 11:4-41.3, N.J.A.C. 11:1-20.2, N.J.A.C. 11:3-7.6, N.J.A.C. 11:3-8.11, N.J.A.C. 11:21-7.8, N.J.A.C. 11:21-1.2, N.J.A.C. 11:21-7.3, N.J.A.C. 11:21-7.5, and N.J.A.C. 11:21-7.6, are suspended for the duration of this Public Health Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect.

5. The Commissioner of Banking and Insurance is directed to take all appropriate steps to effectuate this Order.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
9th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 124

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), 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 COVID-19; and

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

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

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, and as a result, the CDC has recommended that individuals practice "social distancing" to prevent community spread of the virus; 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 (the "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. 104-123 (2020), the facts and circumstances of which are all adopted by reference herein, many of which focused on requiring increased social distancing in the State; and

WHEREAS, the CDC has called for "remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible"; and

WHEREAS, as both the Federal Government and other states have recognized, maintaining typical social distancing practices in correctional settings may be challenging; and

WHEREAS, there may be individuals currently in the custody of the Department of Corrections ("DOC"), who are serving sentences of more than 364 days, who by virtue of their age and/or underlying medical conditions, face a heightened risk of death or serious injury if they contract COVID-19; and

WHEREAS, DOC has finite capacity within its facilities to provide medical care to inmates who contract COVID-19; and

WHEREAS, because there are challenges associated with maintaining traditional social distancing in correctional settings, in order to protect these particularly vulnerable individuals from a heightened risk of death and serious injury, it may be necessary to take certain emergency steps in order to temporarily remove these individuals from congregate custody; and

WHEREAS, some of these individuals may be eligible for parole and, due to the Public Health Emergency, warrant the quickest feasible review of their parole applications to protect their health, notwithstanding any Future Eligibility Date; and

WHEREAS, the parole process includes established safeguards to ensure that granting parole will not undermine public safety, and that the inmate, if released, will have access to appropriate medical and social services; and

WHEREAS, even if an inmate is ineligible for parole or has not received parole, the Commissioner of DOC (the "Commissioner") has the authority and discretion to issue furloughs under N.J.S.A. 30:4-91.3 for inmates, but the Commissioner may not grant furloughs for inmates convicted of a crime pursuant to N.J.S.A. 2C:11-3, N.J.S.A. 2C:11-4, N.J.S.A. 2C:14-2, N.J.S.A. 2C:15-1, N.J.S.A. 2C:13-1, or subsection b. of N.J.S.A. 2C:12-1; and

WHEREAS, pursuant to the terms of N.J.S.A. 30:4-91.3, such furloughs extend the limits of the place of confinement for inmates as to whom there is reasonable cause to believe they will honor the trust placed in them and return to the place of confinement at the conclusion of the furlough period, and can include restricting an inmate to home confinement; and

WHEREAS, the Commissioner may exercise his authority under N.J.S.A. 30:4-91.3 for any compelling reason consistent with the public interest, which necessarily includes emergency medical home confinement designed to mitigate a high-risk inmate's chance of exposure to COVID-19; and

WHEREAS, it would only be appropriate to grant an inmate such emergency medical home confinement where such inmate does not present a threat to public safety, including to a victim, especially at a time when law enforcement agencies across the State are dedicating time and resources to addressing the Public Health Emergency; and

WHEREAS, it would only be appropriate to grant an inmate such emergency medical home confinement where doing so will indeed improve the prospects for that inmate's health and safety, which means that such home confinement is only appropriate for an inmate if there is an established plan in place to ensure the inmate has access to a place of residence, and to social services and medical care as DOC deems necessary; and

WHEREAS, given the scope and scale of the numbers of inmates who may warrant emergency medical home confinement in light of the Public Health Emergency, it will promote the public health, safety, and welfare to constitute an Emergency Medical Review Committee (the "Committee") to more efficiently and thoroughly advise the Commissioner regarding which inmates should be temporarily placed in home confinement to protect their health consistent with public safety, and to allow that the Committee to call on DOC employees and

any other Executive Branch departments and agencies to provide assistance in fulfilling that important mission; and

WHEREAS, for these reasons, among others, the strict enforcement of certain statutory provisions that would inhibit the ability of DOC and the State Parole Board to expeditiously review such parole applications and to expeditiously temporarily place inmates in home confinement to protect their health consistent with public safety is detrimental to the public welfare; and

WHEREAS, even where an individual does not warrant parole or emergency medical home confinement, DOC has available tools to reduce the threat to inmates posed by COVID-19; 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. DOC shall expeditiously identify inmates for referral to the State Parole Board and the Committee described in Paragraph 5 of this Order as follows:

- a. DOC shall generate a list of inmates who are both 60 years or older and possess underlying medical conditions that increase the risk of death or serious injury from COVID-19 (the "First Emergency Medical Referral List");
- b. DOC shall generate a list of remaining inmates who are either 60 years or older or possess underlying medical conditions that increase the risk of death or

serious injury from COVID-19 (the "Second Emergency Medical Referral List");

- c. DOC shall generate a list of inmates who were denied parole in the past year and who do not already appear on the First or Second Emergency Medical Referral List (the "Third Emergency Medical Referral List");
- d. DOC shall generate a list of inmates who are serving a prison sentence with either a maximum release date within 90 days of the date the list is generated, or a parole eligibility date within 90 days of the date the list is generated, and who do not already appear on the First, Second, or Third Emergency Medical Referral List (the "Fourth Emergency Medical Referral List"); and
- e. After the Fourth Emergency Medical Referral List is generated, and on a periodic basis of at least once a week, DOC shall submit Supplemental Emergency Medical Referral Lists that include any additional inmates that DOC subsequently concludes face a heightened risk of death or serious injury from COVID-19 based on their age and/or underlying medical conditions.

2. In preparing the lists described in Paragraph 1 of this Order (the "Emergency Medical Referral Lists"), DOC shall:

- a. Consult with the Department of Health to determine which underlying medical conditions heighten the risk of death or serious injury associated with COVID-19;
- b. Only include inmates on the Emergency Medical Referral Lists who are not prohibited by N.J.S.A. 30:4-91.3b from participating in a furlough program administered by DOC and who are not currently serving

a sentence for an offense subject to the provisions of the No Early Release Act, N.J.S.A. 2C:43-7.2; and

- c. Indicate, for each inmate on an Emergency Medical Referral List, the prosecuting agency and whether the inmate is currently eligible for parole.

3. Upon completion of each Emergency Medical Referral List, DOC shall immediately produce the list to the Director of the Division of Criminal Justice and to the County Prosecutors, who shall within five days take the following actions with regards to any inmates prosecuted by their agency:

- a. Notify the victim or next of kin about the possibility of the inmate's parole or emergency medical home confinement; and
- b. Submit to the Parole Board and the Committee described in Paragraph 5 of this Order the views of the prosecuting agency and, if applicable, the victim or next of kin, regarding the possibility of the inmate's parole or emergency medical home confinement.

4. Upon completion of each Emergency Medical Referral List, DOC shall immediately produce to the State Parole Board the names of any parole-eligible inmates who appear on the list and promptly notify those inmates of such action. Upon receipt of the names, the State Parole Board shall expedite consideration of those inmates for parole. The State Parole Board may conduct hearings telephonically or by videoconference for any individuals on any Emergency Medical Referral List, for the purpose of expediting review and avoiding person-to-person contact. The State Parole Board shall prioritize consideration of parole-eligible inmates who appear on the First Emergency Medical Referral List; followed by inmates who appear on the Second Emergency Medical Referral List; followed by inmates who appear on the Third Emergency Medical Referral List; followed by inmates who appear on the Fourth Emergency Medical Referral List and any Supplemental

Emergency Medical Referral List; and it shall consider inmates for parole regardless of whether the State Parole Board previously denied parole or issued a Future Eligibility Term. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 30:4-123.48g; N.J.S.A. 30:4-123.53a(d); N.J.A.C. 10A:71-3.14e-f; N.J.A.C. 10A:71-3.7a-d, f; and N.J.A.C. 10A:71-3.9c are suspended for the duration of this Public Health Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect.

5. There is hereby established an Emergency Medical Review Committee, which shall be jointly chaired by a designee of the DOC Commissioner and a designee of the Chairman of the State Parole Board. All members shall serve at the pleasure of the appointing department and without compensation. Upon completion of each Emergency Medical Referral List, DOC shall immediately produce the list to the Committee. Within seven days of receiving any Emergency Medical Referral List, the Committee shall prepare a recommendation regarding each inmate on the list as to whether the Commissioner should authorize a period of emergency medical temporary home confinement pursuant to N.J.S.A. 30:4-91.3, which shall include:

- a. Describing the views of the prosecuting agency and, if applicable, the victim or next of kin;
- b. Identifying a community sponsor for the inmate;
- c. Developing a proposed supervision plan, including, where appropriate, the use of telephonic check-ins and electronic monitoring devices;
- d. Proposing any conditions on the inmate's temporary home confinement, including the scope of the inmate's restrictions on travel outside the home;

- e. Verifying the availability of appropriate medical and social services sufficient to address the heightened risk of death or serious injury if exposed to COVID-19;
- f. Verifying the availability of appropriate housing, which may include, but need not be limited to, a hospital or other housing accommodation suitable to the inmate's medical condition, which shall be located in the State of New Jersey;
- g. Verifying that DOC has produced or will produce photo identification for the inmate prior to the inmate's transfer to temporary home confinement; and
- h. Verifying that the conditions under which the inmate would be placed in temporary home confinement would present a lower risk of contracting COVID-19 than the inmate would face if housed in a DOC facility.

6. When preparing recommendations, the Committee is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information or assistance available to such agency as the Committee deems necessary to execute its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Committee within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order.

7. When preparing recommendations, the Committee is authorized to call upon, and should consult with, medical experts, the Department of Human Services, county social service organizations, and non-profit organizations to identify resources that would ensure the health and safety of inmates serving in emergency medical home confinement.

8. Within three days of receiving a recommendation from the Committee, the Commissioner shall decide whether to grant an emergency medical home confinement pursuant to his authority under N.J.S.A. 30:4-91.3. The Commissioner shall not authorize temporary home confinement for an inmate unless the Commissioner is satisfied that the proposed conditions of confinement appropriately safeguard the health and safety of the inmate, the general public, and any victims of the inmate's offense.

9. Prior to releasing an inmate on parole or transferring an inmate to temporary home confinement, DOC shall:

- a. Issue the inmate a temporary photo identification card, which shall include at a minimum the inmate's name, date of birth, and State Bureau of Identification (SBI) number;
- b. Assist an eligible inmate in completing and submitting applications to the relevant county board of social service for benefits through the Supplemental Nutrition Assistance Program and WorkFirst NJ program; and
- c. Assist an eligible inmate in completing and submitting an application for Medicaid to the Department of Human Services, and provide the inmate with a copy of the completed application.

10. For all inmates who do not receive parole or an emergency medical home confinement, DOC shall take all appropriate actions to mitigate inmates' health risks while remaining in DOC's custody.

11. 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.

12. 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
10th day of April,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor