

EXECUTIVE ORDER NO. 150

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

WHEREAS, through Executive Order Nos. 119 and 138 (2020), issued on April 7, 2020, and May 6, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-149 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on March 16, 2020, I signed Executive Order No. 104, which limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to

offering food delivery and/or take-out services only, meaning that they could not allow the on-premises consumption of food or beverages; and

WHEREAS, on March 21, 2020, I signed Executive Order No. 107, which superseded Executive Order No. 104 (2020) in full but continued the prohibition of on-premises consumption of food or beverages; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can begin to take certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146, and 147 (2020), which authorized the openings of parks, beaches, lakefronts, and several outdoor recreational facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention ("CDC"), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 148 (2020), which allowed additional numbers of individuals to gather outdoors, consistent with the same repeated observations from public health experts, and Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements; and

WHEREAS, consistent with this Plan, non-essential retail businesses can begin to open their brick-and-mortar premises to the public, but should be held to the same minimum requirements that have applied to essential retail businesses since Executive Order No. 122 (2020) was signed in early April; and

WHEREAS, given the reduced risks of COVID-19 transmission outdoors, the State can begin to allow restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with CDC and DOH safeguards, but indoor dining still poses a higher risk of transmission at this time than outdoor dining; and

WHEREAS, indoor dining also entails a higher risk than indoor retail operations, as indoor dining typically involves individuals sitting together in one location for a prolonged period of time, while in indoor retail settings, individuals neither congregate in large groups nor remain in close proximity for extended periods and so the risk of COVID-19 spread is reduced; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures groups of individuals will be appropriately spaced apart, and there must be strict limits in place governing when individuals may enter the premises; and

WHEREAS, to limit the spread of COVID-19 and thus to protect public health, establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures critical Statewide health standards are met, which are being issued simultaneously by DOH; and

WHEREAS, because this Order establishes options for outdoor food and/or beverage consumption that accommodate the lack of indoor dining options as a result of COVID-19, individuals must have access to the same smoke-free options that they would have had under State law at the indoor premises of a food or beverage establishment, and which will continue to ensure that individuals can access in-person dining options without exposure to second-hand smoke during the Public Health Emergency; and

WHEREAS, many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption,

including other areas of their property, such as parking lots, and shared spaces, such as sidewalks, streets, and parks; and

WHEREAS, municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety; and

WHEREAS, if municipalities choose to make shared spaces available to restaurants or bars, it is incumbent upon them to distribute these spaces equitably among restaurants or bars who may feasibly seek to use them; and

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

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

1. Effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:

- a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- c. Satisfy all standards issued by DOH pursuant to Paragraph 3 of this Order;
- d. Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and
- g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset

once food or beverage establishments are permitted to offer in-person service in indoor areas.

2. Nothing in this Order shall prevent a food or beverage establishment that offers take-out options from allowing an individual who is seeking take-out rather than table service to enter the indoor premises of the establishment to place an order, make payment, and pick up food or beverages, including in situations where a food or beverage establishment makes outdoor areas without table service available. As noted in Paragraph 1(f), such individuals shall wear a face covering while inside the indoor premises of the food or beverage establishment, unless the individual has a medical reason for not doing so or is a child under two years of age.

3. The Commissioner of the DOH is directed, consistent with her authority under the Emergency Health Powers Act, to issue health and safety standards for use by food or beverage establishments in order to serve patrons consistent with this Order.

4. Picnic Areas and Pavilions may be open to the public. Picnic Areas and Pavilions shall be open to the public at all State Parks and Forests.

5. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).

If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.

6. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it.

7. Paragraph 8 of Executive Order No. 107 (2020), Paragraph 2 of Executive Order No. 133 (2020), Paragraph 2 of Executive Order No. 143 (2020), Paragraph 2 of Executive Order No. 147 (2020), and Paragraph 10 of Executive Order No. 148 (2020) are superseded to the extent inconsistent with this Order.

8. Effective at 6:00 a.m. on Monday, June 15, 2020, the brick-and-mortar premises of non-essential retail businesses that were closed to the public by Executive Order No. 107 (2020) can reopen to the public, provided that such businesses adopt policies that include, at minimum, the requirements that were applied to essential retail businesses in Paragraph 1 of Executive Order No. 122 (2020).

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

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

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

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 Executive Order No. 150 (2020), or which will or might in any way interfere with or impede its achievement.

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 3rd day of June,
 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. 151

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

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, 135-138, and 140-150 (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, unless renewed for an additional 30 days through a declaration of the Governor; and

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

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

WHEREAS, through Executive Order Nos. 119 and 138 (2020), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, since the Public Health Emergency was renewed on May 6, 2020, at which time there were over 130,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of June 4, 2020, according to the World Health Organization, there were over 6,416,000 confirmed cases of COVID-19 worldwide, with over 382,000 of those cases having resulted in death; and

WHEREAS, as of June 4, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 1,842,000 confirmed cases of COVID-19 in the United States, with over 107,000 of those cases having resulted in death; and

WHEREAS, as of June 4, 2020, there were over 162,000 positive cases of COVID-19 in New Jersey, with at least 11,970 of those cases having resulted in death; and

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

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, there has now been a decrease in the rate of reported new cases of COVID-19 in New Jersey, in

the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State has made based on these emergency measures, I announced a multi-stage New Jersey's Road Back Plan (the "Plan") to allow for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Plan, the State has been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and is lifting additional restrictions with an effective date of June 15, 2020; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

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

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey increase once more; 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 the Department of Health ("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 confirm that there exists a Public Health Emergency in the State; and

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

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

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

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

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

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

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
4th day of June,
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. 152

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-151 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and 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) to order steps to mitigate community spread of COVID-19; and

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

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can and has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is in the second phase of the reopening process and has begun to relax restrictions on activities where appropriately safeguarded, especially outdoor activities; and

WHEREAS, the CDC has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, weddings, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the State and region, meaning that as the spread of COVID-19 decreases in a state, the state can significantly adjust its limits on indoor and outdoor gatherings; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that gathering restrictions can be lifted altogether, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the restrictions on indoor gatherings that remain in place may be more stringent than the restrictions that are in place for retail, because in indoor retail settings individuals neither congregate in large groups nor remain in close proximity for extended periods, which are factors that have been linked to the increased risk of COVID-19 transmission; and

WHEREAS, because public health experts have identified that outdoor environments present reduced risks of transmission as compared to indoor environments, it is appropriate to adjust the restrictions relative to gatherings that happen outdoors even more considerably, meaning that certain gatherings that could not take place indoors may still happen in open-air outdoor spaces, but participants should maintain reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and to protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, maintaining overall social distancing and mitigation requirements while gathering in open-air outdoor spaces, particularly by maintaining a six-foot distance from other individuals, is imperative to continuing to reduce the ongoing risk of community spread of COVID-19; and

WHEREAS, recognizing both that the rate of community spread of COVID-19 has been decreasing and also that limits on gatherings have contributed to that progress, a number of other states in the region have relaxed their restrictions in indoor gatherings, and have relaxed their restrictions on outdoor gatherings even further, while still leaving a number of requirements in place; and

WHEREAS, certain gatherings - including religious services and political activity - are particularly important to the functioning of the State and of society, and while such gatherings must be limited to the same degree as any other during periods of especially high community transmission, at a time during which COVID-19 cases, hospitalizations, and the rate of reproduction is lower, the restrictions on these gatherings can be relaxed to an even greater degree than for other gatherings, especially if they

are outdoors, and other states facing analogous levels of COVID-19 transmission have repeatedly recognized these points; and

WHEREAS, the State's restrictions on gatherings continue to be tailored to the harms that each gathering presents, meaning that indoor in-person gatherings must comply with a more stringent limitation than outdoor in-person gatherings, and that additional individuals may participate in a gathering beyond those numerical limitations wherever those participants remain in their vehicle, given the relative risks of COVID-19 transmission presented by each scenario; and

WHEREAS, even where a gathering is permitted, the protective measures that individuals should take, including use of masks and social distancing, remains important, most especially for larger gatherings, because as the CDC has recognized, an increase in the number of participants will offer more opportunities for person-to-person contact, and will also present a higher risk of a super-spread event, especially when it takes place indoors; and

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

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

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

- a. The number of individuals at the gathering shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 50 persons or smaller than 10 persons;
- b. All attendees at the gathering must wear face coverings at all times except where doing so would inhibit the individual's health or where the individual is under two years of age;
- c. If there are individuals organizing or maintaining the gathering, those individuals must wear face coverings whenever feasible, and must wear face coverings whenever they are within six feet of another individual, except where doing so would inhibit the individual's health;
- d. All attendees at the gathering are required to be six feet apart from other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering;
- e. There may be no contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners, and excluding a limited number of individuals organizing or maintaining the gathering;

- f. Where the number of individuals at the gathering is 10 persons or fewer, the gathering is not required to comply with Paragraphs 1(a)-(e) of this Order, but all individuals at the gathering should wear face coverings at all times, except where doing so would inhibit the individual's health or where the individual is under two years of age;
- g. If there are individuals organizing or maintaining the gathering, they should, where applicable, demarcate six feet of spacing in the area of the gathering to demonstrate appropriate spacing for social distancing, such as through the placement of cones, flags, or other markings;
- h. Any physical items, including equipment, may not be shared by multiple attendees of the same gathering except for immediate family members, caretakers, household members, or romantic partners, unless such physical items are sanitized before and after use by different individuals; and
- i. To the degree the gathering requires pre-payment, or seeks donations of any kind, contactless options for pre-payment or donation, such as online or by telephone, must be offered wherever feasible.

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

- a. The number of individuals at the gathering must be limited to 100 persons or fewer;
- b. All attendees at the gathering are required to be six feet apart from other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners, as well as excluding a limited number of individuals organizing or maintaining the gathering;
- c. There may be no contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners, and excluding a limited number of individuals organizing or maintaining the gathering;
- d. If there are individuals organizing or maintaining the gathering, they should, where applicable, demarcate six feet of spacing in the area of the gathering to demonstrate appropriate spacing for social distancing, such as through the placement of cones, flags, or other markings;
- e. Any physical items, including equipment, may not be shared by multiple attendees of the same gathering except for immediate family members, caretakers, household members, or romantic partners, unless such physical items are sanitized before and after use by different individuals;
- f. Where the number of individuals at the gathering is 25 persons or fewer, the gathering is not required to comply with Paragraphs 2(a)-(e) of this Order. Where the outdoor gathering is a religious service

or political activity, such as a protest, the gathering is not required to comply with Paragraphs 2(a)-(e) of this Order;

- g. Open-air rain tarps, tents, and other outdoor structures shall be allowed solely for the purpose of protecting against foul weather or for shade;
- h. All individuals at the gathering should wear face coverings at all times where other social distancing measures are difficult to maintain, in accordance with CDC recommendations, except where doing so would inhibit the individual's health or where the individual is under two years of age, and all attendees must wear such face coverings where required by another Executive Order; and
- i. To the degree the gathering requires pre-payment, or seeks donations of any kind, contactless options for pre-payment or donation, such as online or by telephone, must be offered wherever feasible.

3. No individual shall be considered in calculating the total number of attendees at the outdoor gathering at any time in which that individual is in a vehicle, so long as that vehicle is either (1) closed, meaning that the windows, doors, sunroofs, and tops of the vehicle are all closed, or (2) more than six feet from any other vehicle or individual.

4. Nothing in this Order shall prevent an individual at a gathering from coming within six feet of another person, coming into contact with another person, going indoors, or leaving their vehicles, if done to protect their health or safety or the health or safety of another individual.

5. Nothing in this Order shall prevent a person at a gathering from momentarily removing their mask to place or receive an item in their mouth, including food or beverage, if done for religious purposes or for their health or safety.

6. Gatherings authorized by this Order are permitted at State Parks and Forests, county and municipal parks, public and private beaches, boardwalks, lakes, and lakeshores; however, consistent with Executive Order Nos. 108, 133, and 148 (2020), counties and municipalities may impose additional restrictions at county and municipal parks in response to COVID-19.

7. Available parking at all State Parks and Forests shall reopen to their full maximum capacity, and available parking at all county and municipal parks may reopen to their full maximum capacity.

8. The provisions in paragraph 5 of Executive Order No. 107 (2020), paragraphs 3 and 7 of Executive Order No. 133 (2020), paragraphs 4 and 8 of Executive Order No. 142 (2020), and paragraphs 1 and 5 of Executive Order No. 148 (2020) are hereby superseded to the extent inconsistent with this Order. To the extent provisions of these Orders are not inconsistent with this Order, they remain in full force and effect.

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

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. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

12. Penalties for violations of this 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, 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
9th day of June,
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. 153

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-152 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence and closed all recreational and entertainment businesses; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146 and 147 (2020), which lifted closures and/or prohibitions of parks, beaches, lakefronts, and several outdoor recreational

facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention ("CDC"), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Orders No. 148 and 152 (2020), which allowed additional numbers of individuals to gather outdoors, consistent with the same repeated observations from public health experts, Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements, and Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements; and

WHEREAS, as more outdoor activities can happen safely, and as additional businesses can begin to open to the public under the Plan, especially outdoors, it is appropriate to lift the Order requiring New Jersey residents to remain home or at their place of residence; and

WHEREAS, consistent with this Plan, most outdoor activities, including those that take place in outdoor spaces owned or operated by recreation businesses, can begin to open to the public consistent with the State's framework on outdoor recreation and the relative risks of COVID-19 transmission provided that certain social distancing measures are followed, but recreation businesses still cannot allow the public into the indoor spaces for activity because such indoor environments continue to pose a higher risk of COVID-19 transmission at this time; and

WHEREAS, a limited number of outdoor spaces owned or operated by recreation businesses, including amusement parks and arcades, cannot be open to the public at this time because they include many high touch areas that make social distancing guidelines and capacity limits difficult to implement, maintain, monitor, and enforce; and

WHEREAS, indoor recreation also entails a higher risk than indoor retail settings, as indoor recreation typically involves individuals congregating together in one location for a prolonged period of time, while in indoor retail settings, individuals neither congregate in large groups nor remain in close proximity for extended periods and so the risk of COVID-19 spread is reduced; and

WHEREAS, the CDC has issued guidance regarding social distancing, cleaning, sanitizing, and hygiene practices necessary for the safe operation of public pools and hot tubs; and

WHEREAS, pursuant to N.J.A.C. 8:26-1.3 swimming pool facilities include conventional pools, hot tubs, spas, wading pools, special purpose pools, and aquatic recreation attractions that include, but are not limited to, "pools operated by or serving campgrounds, clubs, churches, cities, common interest communities, counties, day care centers, group home facilities for six or more clients, health spas, institutions, parks, private lake, river, or bay associations, or private community lake, river, or bay associations, State, county, and municipal agencies, retirement communities, schools, specially exempt facilities, subdivisions, or cooperative living type projects of three or more living units, such as apartments, boarding homes, condominiums, hotels, mobile home parks, motels, recreational vehicle parks, townhouses, trailer parks, and youth camps"; and

WHEREAS, consistent with this Plan, most outdoor swimming pools can begin to open provided such facilities implement measures that ensure critical health standards are met, which will be issued by DOH prior to opening, but consistent with the fact that indoor environments continue to pose a higher risk of COVID-19 transmission, indoor pools cannot open at this time; and

WHEREAS, pursuant to N.J.A.C. 8:26-1.3, aquatic recreation facilities include interactive play attractions, water parks, spray parks, and water amusement rides regulated by the Department of Community Affairs at N.J.A.C. 5:14A-12; and

WHEREAS, aquatic recreation facilities cannot be open to the public at this time due to the significant high touch areas at these facilities where many different individuals are coming into contact with those areas in rapid succession; and

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

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

1. Effective at 6:00 a.m. on Monday, June 22, 2020, outdoor swimming pools are permitted to open, provided that the pool facility complies with all standards issued by the DOH pursuant to Paragraph 2 of this Order.

2. The Commissioner of the DOH is directed, pursuant to her authority under the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., to issue health and safety standards for use by pool facilities in order to be open consistent with this Order. Any pool facility that opens must satisfy all standards issued by DOH pursuant to this Paragraph.

3. Pool facilities may open for the purpose of lifeguard training and swimming lessons prior to Monday, June 22, 2020, consistent with paragraph 10 of Executive Order No. 107 (2020).

4. All recreational and entertainment businesses that were closed to the public by paragraph 9 of Executive Order No. 107 (2020) are permitted to reopen their outdoor spaces to the public, unless otherwise prohibited by this Order, provided that such businesses adopt policies that include, at minimum, the following requirements:

- a. The public is permitted only in such outdoor spaces, except that members of the public may enter the indoor premises of the recreation business when entering or exiting the establishment in order to access the outdoor area, or to use the restroom;
- b. Limit total capacity to a number that ensures that all individuals can remain six feet apart;
- c. Open-air rain tarps, tents, and other outdoor structures shall be allowed solely for the purpose of protecting against foul weather or for shade;
- d. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider

populations that do not have access to internet service or credit cards;

- e. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment;
- f. Limit the use of equipment rented or otherwise provided by the business to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners, and sanitize such equipment before and after use;
- g. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line;
- h. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- i. Provide employees break time for repeated handwashing throughout the workday;
- j. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- k. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity;
- l. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:

- i. Routinely clean and disinfect all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;
- ii. Clean and disinfect equipment that is rented in accordance with CDC and DOH guidelines; and
- iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;
- m. Place additional restrictions on areas of the business, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;
- n. 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;
- o. 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;

- p. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and
- q. 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. Any type of event at an outdoor recreational and entertainment business that involves individuals who are there at a specific time and for a common reason, such as a movie, a concert, a sporting event, or a trip on a chartered vessel, shall remain subject to the restrictions on outdoor gatherings in Executive Order No. 152 (2020).

6. Any recreational and entertainment businesses that were already permitted to reopen their outdoor spaces to the public, including outdoor archery ranges, batting cages, golf courses, golf driving ranges, shooting ranges, tennis clubs, and chartered vessels, may continue to keep their outdoor spaces open to the public, provided that they comply with all applicable terms of this Order.

7. Public and private social clubs are permitted to reopen their outdoor spaces, provided that they comply with all applicable terms of this Order.

8. The following shall remain closed to the public at pool facilities and all recreational businesses:

- a. Aquatic recreation facilities;
- b. Indoor recreational areas;
- c. Playgrounds; and

d. Water fountains (those considered recreational, not those for drinking).

9. All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, all private and public social clubs, and all other holders of a liquor license with retail consumption privileges located at pool facilities and recreational businesses, including concessions, snack bars, and food trucks, shall comply with the requirements set forth in Executive Order No. 150 (2020).

10. Notwithstanding paragraph 4 of this Order, amusement parks and arcades that are recreational businesses or located at pool facilities shall remain closed pursuant to Executive Order No. 107 (2020), even if they are outdoors. Nothing in this Order prevents a business from operating an amusement game outdoors, such as a game on a boardwalk, so long as the game does not take place in an amusement park and an employee is present and adheres to all of the requirements in paragraph 1 of this Order, including sanitizing all equipment before and after each use.

11. Paragraph 2 of Executive Order No. 107 (2020), which requires New Jersey residents to remain home or at their place of residence with limited exceptions, is hereby rescinded. Paragraph 5 of Executive Order No. 142 (2020) and paragraph 5 of Executive Order No. 146 (2020) are also rescinded.

12. Total capacity at State Parks and Forests, as well as county and municipal parks, shall be limited to a number that ensures that all individuals can remain six feet apart.

13. Nothing in this Order shall replace, limit, or otherwise modify, existing sanitation and safety regulatory requirements for recreational bathing facilities to preserve public health set

forth in the New Jersey State Sanitary Code regulations, N.J.A.C. 8:26, adopted pursuant to N.J.S.A. 26:1A-7 and N.J.S.A. 26:4A-7.

14. The provisions in paragraph 9 of Executive Order No. 107 (2020), paragraphs 8 and 9 of Executive Order No. 133 (2020), paragraphs 2-3 of Executive Order No. 143 (2020), paragraph 1 of Executive Order No. 146 (2020), paragraphs 2, 5, 6, 8, and 10 of Executive Order No. 147 (2020), and paragraphs 2 and 4 of Executive Order No. 148 (2020) are hereby superseded to the extent inconsistent with this Order. To the extent provisions of these Orders are not inconsistent with this Order, they remain in full force and effect.

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

16. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

17. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

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

GIVEN, under my hand and seal this
9th day of June,
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. 154

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-153 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all facilities where personal

care services are performed that, by their very nature, result in noncompliance with social distancing guidelines; and

WHEREAS, on April 27, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-10 clarifying that the closure of personal care services facilities pursuant to Executive Order No. 107 (2020) extended to providing personal care services in any home or business setting, with limited exceptions; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, as the State moves forward with its reopening plans, it is reasonable to take an approach based on which industries can safely proceed while minimizing the spread of COVID-19, due to the challenges associated with assessing the circumstances of every individual business; and

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146, 147, and 153 (2020), which lifted closures and/or prohibitions of parks, beaches, lakefronts, and most outdoor recreational facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention (CDC), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Orders No. 148 and 152 (2020), which allowed additional numbers of individuals to gather indoors and outdoors, consistent with the same repeated observations from public health experts, Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements, and Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements; and

WHEREAS, consistent with this Plan, facilities where personal care services are performed can begin to open to the public, but should be held to stringent social distancing and cleaning and

disinfectant requirements to continue preventing the spread of the virus; and

WHEREAS, it is appropriate to allow indoor personal care service facilities but still require other indoor activities to remain closed because unlike other indoor activities, personal care services 1) typically do not have an outdoor alternative, 2) can be conducted with limited and controlled interactions, as opposed to in an uncontrolled environment, and 3) can be conducted with both staff and clients wearing masks at nearly all times, unlike activities such as indoor dining; and

WHEREAS, while it is appropriate to allow indoor personal care service facilities to reopen, personal care services offered outside a personal care facility or a health facility providing medically necessary or therapeutic services should remain prohibited due to the increased difficulty of complying with the health and standards in non-facility settings where the personal care service provider is likely to have less control over cleaning and disinfection procedures, but reasonable accommodations are appropriate for clients confined to their home and unable to travel due to a disability; and

WHEREAS, students at cosmetology schools and other places that provide instruction and training to individuals who are not yet licensed are less likely than licensed professionals to be able to adhere strictly to health and safety standards; and

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

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

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

1. Effective at 6:00 a.m. on Monday, June 22, 2020, 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, and tattoo parlors, collectively referred to as "personal care service facilities," are permitted to reopen to the public provided that the facility complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order.

2. The Director of the Division of Consumer Affairs (the "Director") within the Department of Law and Public Safety is directed, consistent with his authority under P.L.2020 c.18, to issue health and safety standards in connection with personal care services to be provided by licensees of the New Jersey State Board of Cosmetology and Hairstyling and the New Jersey Board of Massage and Bodywork Therapy to clients, consistent with this Order, in cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; spas, including day spas and medical spas and similar facilities that offer services of skin care specialists, at which solely elective and cosmetic medical procedures are performed; and massage establishments. The Director may, consistent with his authority under P.L.2020 c.18, issue health

and safety standards for use in connection with personal care services provided by electrologists licensed by the Board of Medical Examiners. Unless and until the Director issues standards specific to electrologists or electrologist facilities, electrologists and electrologist facilities shall comply with any Administrative Order issued by the Director regarding healthcare services in office practices, including but not limited to the Division of Consumer Affairs Administrative Order No. 2020-07 (May 18, 2020).

3. The Commissioner of the DOH is directed, consistent with her authority under the Emergency Health Powers Act, to issue health and safety standards for use by tattoo parlors, tanning salons and other locations in which personal care services are offered by individuals not acting within the scope of a license issued by a professional board within the Division of Consumer Affairs, in order to serve patrons consistent with this Order.

4. Notwithstanding paragraph 1 of this Order, personal care services offered outside of personal care service facilities or health facilities providing medically necessary or therapeutic services shall remain prohibited pursuant to Administrative Order No. 2020-10, until explicitly authorized by an order from the State Director of Emergency Management. If such an order is issued by the State Director of Emergency Management, these personal care services must be provided in a manner that complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order. The prohibition of personal care services offered outside of the facilities referenced above shall not prevent the provision of services to a person that is confined to their home and unable to travel due to

a disability, if these services 1) are permitted under existing statutes and regulations and 2) are provided in a manner that substantially complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order.

5. Nothing in paragraph 4 shall be construed to preclude an individual from providing personal care services in a shop, office, or other premises licensed, or otherwise authorized by the Division of Consumer Affairs or one of its licensing boards or the Department of Health that is located in a residence, provided they comply with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order and all other applicable laws and regulations.

6. Notwithstanding paragraph 1 of this Order, cosmetology schools or other places that provide instruction and training for personal care services shall remain closed pursuant to paragraph 13 of Executive Order No. 107 (2020).

7. Paragraph 9 of Executive Order No. 107 (2020) is hereby superseded to the extent inconsistent with this Order, effective at 6:00 a.m. on Monday, June 22, 2020.

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. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

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

GIVEN, under my hand and seal this
 13th day of June,
 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. 155

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-154 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on

March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, including the cessation of in-person instruction at all institutions of higher education; and

WHEREAS, Executive Order No. 104 (2020) also gave the Secretary of Higher Education (the "Secretary") 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 instruction exists; and

WHEREAS, on March 20, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-3 clarifying that the facilities closed to members of the public pursuant to Executive Order No. 104 (2020) included all libraries and computer labs at public and private colleges and universities; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required institutions of higher education to continue to cease in-person instruction and continued the authority of the Secretary to grant waivers to allow in-person instruction to students on a case-by-case basis where a compelling rationale to allow such instruction exists; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, as the State moves forward with its reopening plans, it is reasonable to take an approach based on which industries can safely proceed while minimizing the spread of COVID-19, due to the challenges associated with assessing the circumstances of every individual entity; and

WHEREAS, consistent with this Plan, I issued Executive Orders No. 148 and 152 (2020), which allowed additional numbers of individuals to gather indoors and outdoors, consistent with the same repeated observations from public health experts, Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, including school district-operated summer educational programming, with social distancing requirements, and Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements, and Executive Order No. 154 (2020), which allowed personal care service facilities to open in accordance with certain health and safety standards; and

WHEREAS, on June 13, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-15 permitting all libraries at public and private colleges and universities to reopen to the public for curbside pickup and drop-off, subject to specific health and safety requirements; and

WHEREAS, it is appropriate to allow institutions of higher education to begin preparing their facilities, staff, and students for the 2020-2021 academic year, as substantial preparation is required to address rooming and boarding, course offerings, and additional considerations unique to higher education settings; and

WHEREAS, it is appropriate to allow private trade schools, career schools, and other post-secondary places that offer or maintain a course of instruction or instructional program utilized to prepare individuals for future education or the workplace, to resume instruction as such programs are generally unable to provide instruction remotely and can proceed with in-person instruction while adhering to necessary health and safety standards; and

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

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

1. Effective July 1, 2020, degree-granting public and private institutions of higher education ("IHE") may resume in-person instruction of students for curricula that require labs, technical, clinical, or hands-on instruction and therefore cannot be readily taught other than through in-person instruction, subject to the requirements in Paragraph 4 of this Order and all applicable Executive Orders.

2. The Secretary, in consultation with the Commissioner of Health, shall issue health and safety standards for the resumption of in-person instruction and on-campus operations, including housing and dining services, at IHEs ("Restart Standards for all New Jersey Institutions of Higher Education"). These standards are applicable to all degree-granting IHEs that are authorized to resume in-person instruction.

3. In the event that a program operated by an IHE is subject to authorization, accreditation, licensure, approval, or similar requirements by one or more State agencies, in addition to the Secretary, such as the Department of Labor and Workforce Development, the Department of Education, or the Division of Consumer Affairs within the Department of Law and Public Safety, the program must adhere to any health and safety standards issued by such agency or agencies.

4. IHEs that are authorized to resume in-person instruction pursuant to Paragraph 1 of this Order and intend to resume instructional in-person activity on campus must submit a restart plan to the Secretary in accordance with the Restart Standards for all New Jersey Institutions of Higher Education no later than 14 days prior to the expected date of implementation of the plan. Such plans must include, at minimum, the development and

implementation of policies and procedures that provide for the following:

- a. Training for students regarding COVID-19 sanitization and social distancing practices and protocols as a condition of resuming in-person classes;
- b. Training for faculty and staff on appropriate sanitization and social distancing practices and protocols, as well as institutional policies and procedures developed to limit the spread of COVID-19;
- c. Use of face coverings for faculty, staff, students, and visitors, except when doing so would inhibit the individual's health;
- d. Frequent cleaning and sanitization of classrooms, residences, restrooms, high-touch areas and equipment and shared surfaces;
- e. Maintenance of adequate supplies, such as personal protective equipment and cleaning supplies;
- f. Continued remote instruction for faculty and/or students who are unable to participate in in-person instruction;
- g. Social distancing in classrooms, residence halls, restrooms, and other areas across campus;
- h. Limitations on the number of students who may return to residence halls and restricted access to residential common areas;

- i. Designation of space(s) for separation of individuals residing on campus who display symptoms consistent with or have a positive diagnosis of COVID-19;
- j. A plan for on-campus transportation, which should include protocols for transporting sick students residing on campus to essential appointments as needed;
- k. A plan for the operation of research labs, if applicable;
- l. A plan for the operation of computer labs;
- m. Strategies for food service and dining operations to ensure compliance with all health and safety standards and applicable Executive Orders;
- n. A plan for intended resumption of athletics programs, if applicable;
- o. A plan for the operation of student services;
- p. Strategy for study abroad programs and international travel, if applicable;
- q. Performance of health screenings for faculty, staff, students and visitors, and education regarding self-monitoring for symptoms;
- r. Commitment to working with local and State officials, including the local health department and local office of emergency management, to share the components of the restart plan and revise same as may become necessary; and

- s. Establishment of COVID-19 testing guidance and contact tracing protocols developed in consultation with local health officials and in line with existing State and federal health privacy statutes and regulations. At a minimum, such protocols should include a mechanism to maintain a log of students, faculty, staff and visitors to facilitate contact tracing, and the reporting of any instances of COVID-19 to local health officials.

Following submission to the Secretary, such restart plan must be posted on the IHE's website and provided to students and staff in advance of the anticipated date for implementation.

5. Degree-granting IHEs that previously received a waiver to resume in-person instruction pursuant to Executive Orders No. 104 and 107 (2020) must comply with the requirements outlined in Paragraph 4, as well as all applicable health and safety standards and Executive Orders, within two weeks of the effective date of this Order.

6. The Secretary shall otherwise retain the authority to grant waivers to degree-granting IHEs on a case-by-case basis to allow in-person instruction beyond that authorized by Paragraph 1 of this Order where a compelling rationale to allow such instruction exists. All waiver applications must include, at minimum, the following components:

- a. A description of the compelling rationale for providing in-person instruction beyond that authorized by Paragraph 1 of this Order;

- b. A description as to why the instruction cannot be provided through either online instruction or distance education;
- c. A description of other options the IHE has explored as an alternative to in-person instruction, including alternate forms of instruction or the postponement of academic programming, and an explanation for why these options were not adopted;
- d. An estimate of the number of students affected by the proposed waiver; and
- e. A restart plan that addresses how the IHE will protect the health and safety of students and staff affected by the proposed waiver.

7. Programs, classes, or degree-granting IHEs that are not permitted to resume in-person instruction pursuant to this Order shall remain subject to the prohibitions in Executive Order No. 107 (2020).

8. Nothing in Paragraph 1 of this Order shall be construed to preclude IHEs from continuing to provide instruction and services to students and members of the public in a form other than in-person instruction.

9. Paragraph 3 of Executive Order No. 104 (2020) and Paragraph 13 of Executive Order No. 107 (2020) are hereby superseded to the extent inconsistent with this Order.

10. Effective July 1, 2020, notwithstanding any prior actions taken by State agencies to the contrary, all private trade schools, career schools and other post-secondary facilities that offer or maintain a course of instruction or instructional program utilized to prepare individuals for future education or the

workplace but are not subject to oversight by the Secretary ("training schools") shall be permitted to resume in-person instruction, including laboratory or clinical components, provided that the training school complies with all applicable Executive Orders and has in place a restart plan that includes, at minimum, policies and procedures that provide for the following:

- a. Training for students regarding COVID-19 sanitization and social distancing practices and protocols as a condition for resuming in-person instruction;
- b. Training for faculty and staff on appropriate sanitization and social distancing practices and protocols, as well as institutional policies and procedures developed to limit the spread of COVID-19;
- c. Use of face coverings for faculty, staff, students, and visitors, except when doing so would inhibit the individual's health;
- d. Frequent cleaning and sanitization of classrooms, restrooms, high-touch areas and equipment and shared surfaces;
- e. Maintenance of adequate supplies, such as personal protective equipment and cleaning supplies;
- f. Installation of hand sanitizing stations with 60 percent or more alcohol content at all building entry points and throughout the school;
- g. The option of remote instruction for faculty and students who are unable to participate in in-person instruction;

- h. Performance of health screenings for faculty, staff, students and visitors, and education regarding self-monitoring for symptoms;
- i. Social distancing in classrooms, workstations, laboratories, clinical settings, and student seating areas throughout the training school and a plan for providing smaller class sizes if feasible;
- j. Plan for staggering start, break, and end times of class periods, or alternating scheduled class days to reduce crowding at the training school and classroom entryways;
- k. Commitment to working with local and State officials, including the local health department and local office of emergency management, to share the components of the restart plan and revise same as may be necessary; and
- l. Establishment of COVID-19 testing guidance and contact tracing protocols developed in consultation with local health officials and in line with existing State and federal health privacy statutes and regulations. At a minimum, such protocols should include a mechanism to maintain a log of students, faculty, staff, and visitors to facilitate contact tracing, and the reporting of any instances of COVID-19 to local health officials.

The above policies and procedures must be posted on the training school's website and provided to students and staff in advance of the anticipated date for implementation.

11. In addition to complying with all other applicable requirements of this Order, training schools and programs subject to accreditation, approval, or licensure by any professional licensing board within the Division of Consumer Affairs shall submit their restart plans to the applicable board prior to the resumption of in-person education and comply with all applicable rules or standards promulgated by the board or the Director of the Division of Consumer Affairs, including any Administrative Order issued pursuant to P.L.2020, c.18. To the extent that any clinical or hands-on instruction entails the provision of licensed services, training schools must ensure that such services are performed in a manner consistent with all requirements applicable to licensees performing those services. The provision of personal care services by students at such training schools to members of the public shall remain prohibited until such time as the Director of the Division of Consumer Affairs shall adopt an Administrative Order pursuant to P.L.2020, c.18, establishing standards for the supervision of students providing such services.

12. Any actions taken by any State agency 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.

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

14. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other

governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

15. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

17. This Order shall take effect immediately.

GIVEN, under my hand and seal this
18th day of June,
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. 156

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-155 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and 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) to order steps to mitigate community spread of COVID-19, including to cancel all gatherings in the State; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can take steps and has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is in the second phase of the reopening process and has begun to relax restrictions on activities where appropriately safeguarded, especially outdoor activities; and

WHEREAS, the CDC has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, weddings, and other potentially

super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the state and region, meaning that as the spread of COVID-19 decreases in a state, the state can significantly adjust its limits on indoor and outdoor gatherings; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that restrictions on gatherings can be lifted altogether, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the restrictions on indoor gatherings that remain in place may be more stringent than the restrictions that are in place for indoor retail settings, because in such retail settings individuals neither congregate in large groups nor remain in close proximity for extended periods, which are factors that have been linked to the increased risk of COVID-19 transmission; and

WHEREAS, because public health experts have identified that outdoor environments present reduced risks of transmission as compared to indoor environments, it is appropriate to adjust the restrictions relative to gatherings that happen outdoors even more considerably, meaning that certain gatherings that could not take place indoors may still happen in open-air outdoor spaces, but participants should maintain reasonable restrictions to help limit

the spread and prevent future outbreaks of COVID-19 and to protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, even where a gathering is permitted, the protective measures that individuals should take, including use of masks and social distancing, remain important, most especially for larger gatherings, because as the CDC has recognized, an increase in the number of participants will offer more opportunities for person-to-person contact, and will also present a higher risk of a super-spread event, especially when it takes place indoors; and

WHEREAS, consistent with the above principles, I signed Executive Order No. 152 (2020), limiting the number of persons at indoor gatherings to 25% of the capacity of the room in which it takes place, and stating that such limit, regardless of the capacity of the room, shall never be larger than 50 persons or smaller than 10 persons; and

WHEREAS, Executive Order No. 152 (2020) also limited the number of persons at outdoor gatherings to 100 persons, but stated that this limit does not apply to an outdoor gathering that is a religious service or political activity, such as a protest; and

WHEREAS, in the two weeks since Executive Order No. 152 (2020) was signed, the number of new cases has continued to decrease, and there has been a continued decline in COVID-19 related hospitalizations, ICU admissions, and ventilator usage; and

WHEREAS, in light of this continued progress, it is both appropriate to further relax the limits on both indoor and outdoor gatherings and to continue to do so in a gradual way, so that the State can continue to assess the progress of new COVID-19 cases and hospitalizations, and to monitor the rate of reproduction and the percentage of COVID-19 tests that yield positive results,

relative to the new limits, and thereby avoid the spread of COVID-19 being identified in other parts of the country; and

WHEREAS, because outdoor gatherings present a lower risk of transmission than indoor gatherings, it is reasonable to allow the limit of persons at outdoor gatherings to increase at a faster rate than the limit of persons at indoor gatherings; 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 1(a) of Executive Order No. 152 (2020) is hereby superseded, and the number of individuals at indoor gatherings shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 100 persons or smaller than 10 persons. All other requirements for indoor gatherings contained in Paragraph 1 of Executive Order No. 152 (2020) shall remain in effect.

2. Paragraph 2(a) of Executive Order No. 152 (2020) is hereby superseded, and the number of individuals at outdoor gatherings shall be limited to 250 persons or fewer. All other requirements for outdoor gatherings contained in Paragraph 2 of Executive Order No. 152 (2020) shall remain in effect, including

the provision in Paragraph 2(f) that states that an outdoor gathering that is a religious service or political activity, such as a protest, is not required to comply with the numerical limit on persons.

3. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the gatherings limits in Executive Order Nos. 107, 142, 148, and/or 152 (2020) are amended to reflect the rules on gatherings stated in this Order, including, for example, the limit on occupancy on personal care premises, which was subject to the indoor gathering limit under Division of Consumer Affairs Administrative Order No. 2020-09.

4. For the purposes of Executive Order No. 150 (2020), "outdoor areas" shall be defined as open air spaces without a fixed roof, besides a temporary or seasonal awning or cover.

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

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

7. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

9. This Order shall take effect 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
 22nd day of June,
 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. 157

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-156 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and

entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the resumption of non-essential construction, the allowance of a number of lower-risk outdoor activities, and the opening of all retail establishments; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 153 (2020), which permitted recreational and entertainment businesses to reopen the outdoor portions of their premises to the public, again with social distancing requirements; and

WHEREAS, while outdoor spaces continue to present a lower risk of COVID-19 transmission than indoor spaces, because of our continued progress in the fight against COVID-19, restaurants, bars, and other food or beverage establishments can begin to offer in-person dining indoors; and

WHEREAS, because of our continued progress, most recreational and entertainment businesses can now allow the public into their indoor spaces for activity, including but not limited to libraries, museums, aquariums, and public and private social clubs; and

WHEREAS, because public health experts have identified that indoor environments present increased risks of transmission as compared to outdoor environments, it is appropriate to impose even stricter social distancing measures and sanitization protocols on indoor dining and indoor recreational and entertainment businesses than are placed on their outdoor counterparts, including capacity limits to limit person-to-person contact and a requirement that individuals wear masks at all feasible times to reduce the risk of COVID-19 transmission when such contact does occur; and

WHEREAS, because indoor dining and indoor recreational and entertainment businesses also both entail a higher risk than indoor retail settings, as the former involves individuals congregating together in one location for a prolonged period of time, while in indoor retail settings, individuals neither congregate in large groups nor remain in close proximity for extended periods and so the risk of COVID-19 spread is reduced, it is also appropriate to impose stricter capacity limits on indoor dining and indoor

recreational and entertainment businesses than are currently imposed on indoor retail settings; and

WHEREAS, although individuals in the indoor premises of all business establishments are required to wear a mask at all times, it is not possible for a customer to wear a mask when consuming food or beverage, meaning that all customers at any indoor food or beverage establishment must only be allowed to consume such food or beverage while seated at their table or at an individual seat, to minimize the risk of any person-to-person contact taking place between patrons without masks in any indoor space; and

WHEREAS, self-serve arrangements at food and beverage establishments, such as buffets, facilitate person-to-person contact and involve the use of common equipment and thus create an unnecessary risk of transmission and must remain prohibited, as the Centers for Disease Control and Prevention ("CDC") have suggested; and

WHEREAS, in heavily regulated industries such as casinos and racetracks, where expert State agencies have special knowledge of and experience with the businesses' operations, these industries can and should be subject to any additional health and safety protocols that those appropriate authorities believe would be consistent with public health and industry operations; and

WHEREAS, even as the State begins to allow recreation and entertainment businesses to reopen their indoor premises to the public with strict social distancing requirements, certain indoor entertainment businesses still pose an unacceptably high risk of transmission of COVID-19 at this time; and

WHEREAS, in particular, performance-based locations such as movie theaters, performing arts centers, and other concert venues, must remain closed to the public at this time, because those

businesses necessitate a large number of individuals congregating together concurrently in one indoor location for an unusually prolonged period of time, even more so than in other recreational and entertainment businesses where individuals do not inherently spend as prolonged an amount of time together in one single room or location, and because there are an especially high number of available outdoor and virtual options for members to the public to view and listen to movies and other performances, whether live or otherwise, that reduce the risk of indoor person-to-person contact and COVID-19 transmission; and

WHEREAS, indoor gyms, sports facilities, and fitness centers present particularly high risks of COVID-19 transmission, where people are congregating in a confined indoor space and working out, which entails sustained physical activity resulting in heavy breathing and exhalations that can increase the risk of COVID-19 spread, and where exercise equipment is shared by many different people over the course of the day, creating an additional danger of COVID-19 spread, and there are a high number of outdoor recreation opportunities to ensure that members of the public can engage in a wide range of exercise and fitness; and

WHEREAS, even as individual performance-based locations and gyms and fitness centers may take additional measures to address COVID-19 transmission, it will not be administrable, enforceable, and/or otherwise sufficiently protective of public safety to simply allow business owners to set their own divergent health measures, done without approval of the State and its health officials; and

WHEREAS, because dance floors by their nature are designed to facilitate especially close person-to-person contact, they must remain closed to the public at this time, even at establishments,

such as food or beverage establishments, that are otherwise now permitted to reopen to the public; and

WHEREAS, because amusement and water parks include many high touch areas that make social distancing guidelines and capacity limits difficult to implement, maintain, monitor, and enforce, they must be subject to stricter capacity limits than other outdoor environments, and like gyms and fitness centers, cannot yet open their indoor premises to the public; and

WHEREAS, because gatherings bring people together to a specific location for a common reason and a common period of time, they create an increased risk of person-to-person interaction and contact among those participants that must be appropriately curtailed, especially when they take place indoors; 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 retail establishments may open their premises to the public, whether that premises is indoors or outdoors, provided that they adopt policies that include, at minimum, the following requirements:

- a. Limit occupancy of any indoor premises to 50% of the stated maximum store capacity, if applicable, at one time, excluding the retail establishment's employees;
- b. Limit total capacity of any outdoor area to a number that ensures that all individuals can remain six feet apart;
- c. Establish hours of operation, wherever possible, that reserve a designated period of access solely to high-risk individuals, as defined by the CDC;
- d. 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;
- e. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- f. Provide employees break time for repeated handwashing throughout the workday;
- g. 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;
- h. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- i. Require frequent sanitization of high-touch areas like restrooms, credit card machines, keypads, counters and shopping carts;

- j. Place conspicuous signage at entrances and throughout the store, if applicable, alerting staff and customers to the required six feet of physical distance;
- k. Demarcate six feet of spacing in check-out lines to demonstrate appropriate spacing for social distancing; and
- l. Require workers and customers to wear cloth face coverings while in the indoor portion of 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 the individual entry into the indoor premises. If the business is providing medication, medical supplies, or food, the business policy should provide alternate methods of pickup and/or delivery of such goods for such individual. 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 in the indoor 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. Personal care service facilities, which collectively refers 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, and tattoo parlors, may open their premises to the public provided that such businesses adopt policies that they comply with the standards issued by the Division of Consumer Affairs and DOH, as applicable. Additionally, notwithstanding any provision of DOH Executive Directive No. 20-015 or Division of Consumer Affairs Administrative Order No. 2020-09 prohibiting services that would require the removal of a client's face covering, such personal care services may be provided as of 6:00 a.m. on Thursday, July 2, 2020, provided that clients must wear a face covering at all times before and after the service, and subject to Paragraph 3 of this Order and any enhanced standards for the provision of such services as the Division of Consumer Affairs or DOH may adopt, as applicable.

3. Notwithstanding Paragraph 2 of this Order, personal care services offered outside of personal care service facilities or of health facilities providing medically necessary or therapeutic services shall remain prohibited pursuant to Administrative Order No. 2020-10, until explicitly authorized by an order from the State

Director of Emergency Management. If such an order is issued by the State Director of Emergency Management, these personal care services must be provided in a manner that complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, and all other applicable laws and regulations. Nothing in this paragraph shall be construed to preclude an individual from providing personal care services in a shop, office, or other premises licensed, or otherwise authorized by the Division of Consumer Affairs or one of its licensing boards or DOH that is located in a residence, provided they comply with standards issued by the Division of Consumer Affairs and DOH, as applicable, and all other applicable laws and regulations.

4. Restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, defined as open air spaces without a fixed roof, besides a temporary or seasonal awning or cover, provided that the establishment complies with the following requirements:

- a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- c. Ensure that tables where individuals or groups are seated remain six feet apart in all directions from any other table or seat and that individual seats

in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions from any other table or seat;

- d. Prohibit patrons being served at outdoor areas from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- e. Require patrons being served at outdoor areas to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age;
- f. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall sunset at 6:00 a.m. on Thursday, July 2, 2020, although food or beverage establishments can choose to continue this prohibition; and
- g. Abide by all other health and safety standards issued by the Commissioner of the Department of Health, consistent with her authority under the Emergency Health Powers Act.

5. Effective at 6:00 a.m. on Thursday, July 2, 2020, food or beverage establishments are permitted to offer in-person service at indoor areas, provided that the establishment complies with the following requirements:

- a. Limit the number of patrons in indoor areas to 25 percent of the food or beverage establishment's indoor capacity, excluding the food or beverage establishment's employees;
- b. Ensure that tables where individuals or groups are seated are six feet apart in all directions from any other table or seat and that individual seats in any shared area that is not reserved for individual groups, such as an indoor bar area, are also six feet apart in all directions from any other table or seat;
- c. Require patrons to wear face coverings while inside the indoor premises of the food or beverage establishment, except when seated at their table or in their individual seat. This requirement does not apply if the patron has a medical reason for not wearing a face covering or is a child under two years of age;
- d. Food or beverage establishments with table service may only allow patrons to place orders when seated, and only wait staff may bring food or beverages to seated patrons;
- e. Patrons may only consume food or beverages while seated; and
- f. Abide by all other health and safety standards issued by the Commissioner of the Department of Health, including infection control practices and other sanitization protocols, consistent with her authority under the Emergency Health Powers Act.

6. Nothing in this Order shall prevent a food or beverage establishment that offers take-out options from allowing an individual who is seeking take-out rather than table service to enter the indoor premises of the establishment to place an order, make payment, and pick up food or beverages, including in situations where a food or beverage establishment makes outdoor areas without table service available. Such individuals shall wear a face covering while inside the indoor premises of the food or beverage establishment, unless the individual has a medical reason for not doing so or is a child under two years of age.

7. Prior to 6:00 a.m. on Thursday, July 2, 2020, the rules for recreational and entertainment businesses that were instituted in Executive Order No. 153 (2020) remain in effect. As of 6:00 a.m. on Thursday, July 2, 2020, all recreational and entertainment businesses may open their entire premises, whether indoor or outdoor, to the public, unless otherwise prohibited by this Order, provided that such businesses adopt policies that include, at minimum, the following requirements:

- a. Limit the number of patrons in any indoor premises to 25 percent of the stated maximum capacity, if applicable, at one time, excluding the recreational or entertainment business's employees;
- b. Limit total capacity of any outdoor area to a number that ensures that all individuals can remain six feet apart, except for amusement parks, water parks, and pools, which are limited to 50 percent capacity, excluding the employees of those businesses;

- c. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider populations that do not have access to internet service or credit cards;
- d. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment;
- e. Limit the use of equipment rented or otherwise provided by the business to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners, and sanitize such equipment before and after use;
- f. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line;
- g. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- h. Provide employees break time for repeated handwashing throughout the workday;
- i. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;
- j. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity;

- k. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:
 - i. Routinely clean and disinfect all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;
 - ii. Clean and disinfect equipment that is rented in accordance with CDC and DOH guidelines; and
 - iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;
- l. Place additional restrictions on areas of the business, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;
- m. 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;

- n. 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;
- o. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness;
- p. 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;
- q. Require workers and customers to wear cloth face coverings while in the indoor portion of 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 the individual entry into the indoor premises. 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 in the indoor 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; and

- r. The requirement listed above in Paragraph 7(q) shall not apply where impracticable, such as when individuals are eating or drinking while seated, or in an aquatic space such as a pool.

8. The following recreational and entertainment businesses may open their outdoor spaces to the public, but may not open their indoor spaces to the public, except that members of the public may enter the indoor premises of the recreational business when entering or exiting the establishment in order to access the outdoor area, or to use the restroom:

- a. "Health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as any health club facilities located in hotels, motels, condominiums, cooperatives, corporate offices, or other business facilities;
- b. Entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, other concert venues; and
- c. Amusement or water parks that are indoors.

9. Any establishment open to the public, including a food or beverage establishment, must cordon off any indoor or outdoor dance floors to the public.

10. Notwithstanding the prohibition on health clubs opening their indoor spaces to the public, such health clubs may open indoor premises to the public to offer individualized indoor instruction by appointment only where an instructor is offering training to an individual, and the individual's immediate family members, household members, caretakers, or romantic partners. If a health club is offering multiple simultaneous instructions at the same facility, these instructions must take place in separate rooms or, if they take place in the same room, must be separated by a floor-to-ceiling barrier that complies with all fire code requirements.

11. Notwithstanding the other requirements contained in this Order, casinos, including casino gaming floors and retail sports wagering lounges, may only reopen their premises to the public if they comply with any and all additional requirements imposed by the Division of Gaming Enforcement, and racetracks may only reopen their premises to the public if they comply with any and all existing and additional requirements imposed by any relevant State entity, including the New Jersey Racing Commission and the New Jersey Office of Emergency Management.

12. Notwithstanding the above paragraphs, amusement and water parks are permitted to open their outdoor premises to the public only where they are in compliance with the health and safety standards issued by the Commissioner of the DOH.

13. Notwithstanding the above paragraphs, pool facilities are permitted to open to the public only where they are in compliance with the health and safety standards issued by the Commissioner of the DOH. Effective at 6:00 a.m. on Thursday, July 2, 2020, aquatic recreation facilities and water fountains

(those considered recreational, not those for drinking) are permitted to be open to the public.

14. Effective at 6:00 a.m. on Thursday, July 2, 2020, playgrounds, including playgrounds at pool facilities, are permitted to be open to the public.

15. Individuals who are at any of these businesses at a specific time, a specific location, and for a common reason, such as a poker tournament at a casino, a wedding at a restaurant, or an outdoor concert or movie screening, are subject to the State gathering limits in effect at that time, which were most recently laid out in Executive Order No. 156 (2020).

16. Any prior requirements imposed by an Executive Order issued on or after March 21, 2020, that are inconsistent with the terms of this Order are hereby superseded.

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

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

19. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order,

or which will or might in any way interfere with or impede its achievement.

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

21. 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
26th day of June,
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. 158

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-157 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all recreational and

entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State began to take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, this Plan and the subsequent steps the State has taken to allow various industries to reopen their brick-and-mortar premises to the public all reflect the recognition by public health experts that indoor environments present significantly increased risks of transmission as compared to outdoor environments, meaning that the State has been more willing to allow businesses to reopen outdoor areas to the public, and meaning that the State has also imposed stricter social distancing limits on indoor premises when businesses are permitted to reopen them to the public; and

WHEREAS, consistent with this Plan, I issued Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements, but did not allow for food or beverage consumption at indoor premises; and

WHEREAS, even as the State began to permit businesses to reopen additional indoor premises to the public, the State required all individuals to wear masks inside those premises, because masks have been demonstrated to significantly reduce the risk of COVID-19 transmission from person-to-person contact, and therefore are particularly necessary in high-risk indoor environments; and

WHEREAS, as the State has consistently recognized, indoor activities that cannot be done with a face covering on, such as eating or drinking indoors, thus pose a particularly high risk of transmission; and

WHEREAS, while personal care services that require the removal of a face covering can resume on Thursday, July 2, 2020, those services only involve the client interacting with one other person for a discrete period of time in a controlled environment, where the person performing the services is required to wear heavily protective equipment such as a face shield; and

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

WHEREAS, I have routinely made these announcements one to two weeks in advance of their effective dates in order to give businesses adequate time to prepare, but I have always stated that

the implementation is subject to modifications based on the data, the facts that we are observing in real-time, and the ongoing input of the Commissioner of DOH; and

WHEREAS, in the seven days since June 22, 2020, we have seen alarming spikes in COVID-19 cases across the nation, particularly in states that reopened at a faster rate, and that did not follow the same gradual and methodical reopening plan as New Jersey; and

WHEREAS, the Governors and/or Health Commissioners in a number of the states that have been hardest hit by the spikes in COVID-19 cases, including Florida and Texas, have attributed the rise in cases to activities in indoor food and beverage establishments, and a number of independent public health experts have reached the same conclusion; and

WHEREAS, because the State has previously recognized the benefits of addressing the spread of COVID-19 on a regional basis, it is also notable that both the Governor of New York and the Mayor of New York City have indicated that they may pause the resumption of indoor dining based on what they have seen in other states; and

WHEREAS, given these spikes in COVID-19 cases that have been attributed to indoor food and beverage establishments, and given the well-established risks that such establishments present given the lack of mask usage indoors, it is necessary to temporarily pause the resumption of indoor dining in New Jersey, while we continue to learn more about what has prompted the spikes in other states and examine whether there are additional protocols that could be instituted to reduce the risks associated with indoor dining; and

WHEREAS, this means that the consumption of food or beverages will not be allowed in the indoor premises of any business open to the public, including casinos; and

WHEREAS, smoking on the premises of any indoor business that is now permitted to reopen to the public, even while permitted in the indoor areas of casinos under State law, cannot be allowed to take place at this time because it would entail individuals removing their masks indoors; and

WHEREAS, other indoor recreational and entertainment businesses that are scheduled to reopen on Thursday, July 2, 2020, can still reopen because face coverings will be required for all individuals on the premises except for children under two years of age and except where doing so would inhibit an individual's health; 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 5 of Executive Order No. 157 (2020), which allowed "food or beverage establishments" to offer in-person service at indoor areas effective at 6:00 a.m. on Thursday, July 2, 2020, is hereby rescinded.

2. Any retail, recreational, and entertainment business that is authorized to open its indoor premises to the public may only do so where it prohibits the consumption of food or beverages and smoking in those indoor premises.

3. Smoking in the indoor areas of any retail, recreational, and/or entertainment business, including casinos, is prohibited, even when otherwise permitted by State law.

4. Any individual who consumes food or beverages or engages in smoking in the indoor premises of any retail, recreational, or entertainment business that are open to the public is in violation of this Order. Nothing in this Order shall prevent a person from engaging in conduct necessary for their health or safety, such as a person briefly removing their mask to drink water. Nothing in this Order shall prevent a business's employee from consuming food or beverages in any area of the business that is not open to the public, such as an employee break room.

5. Paragraph 4(f) of Executive Order No. 157 (2020) is hereby rescinded, and the prohibition on smoking in any outdoor areas designated for the consumption of food and/or beverages shall continue beyond 6:00 a.m. on Thursday, July 2, 2020. This required prohibition shall automatically sunset once in-person service is allowed at indoor areas of food or beverage establishments.

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

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

political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

8. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

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

GIVEN, under my hand and seal this
 29th day of June,
 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. 159

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted, in whole or in part, in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-158 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on

March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

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

WHEREAS, in recognition that the Centers for Disease Control and Prevention had 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) to order steps to mitigate community spread of COVID-19; and

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

WHEREAS, Executive Order No. 107 (2020) also mandated that all businesses and non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements, and reduce staff on site to the minimal number necessary to continue essential operations because restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, all State offices and Executive Branch departments and agencies have been directed to prioritize addressing immediate public needs, including protecting public health, safety, and the environment, while still trying as much as is practicable to maintain the basic functions of State government, and its many duties, missions, and initiatives; and

WHEREAS, notwithstanding the extraordinary circumstances of the COVID-19 pandemic, certain Executive Branch departments and agencies remain subject to statutory provisions that require agencies to review and act upon certain filings or other authorizations before a specified deadline lest the matter under review be deemed approved; and

WHEREAS, a public health emergency such as the COVID-19 pandemic, and especially my direction to strictly observe social distancing practices, including avoiding all non-essential travel, working remotely, and prioritizing addressing immediate public needs, including protecting public health, safety, and the environment, is an impediment to compliance with the statutory timeframes by Executive Branch agencies; and

WHEREAS, members of the public, including individuals, small businesses, and other entities, may similarly be limited in their ability to act within statutory timeframes and may require additional time due to the interruptions related to the Public Health Emergency and the social distancing and mitigation restrictions imposed; and

WHEREAS, strict enforcement of certain statutory timeframes during and shortly following the ongoing Public Health Emergency could unduly burden the Executive Branch, industry, and members of the public, including individuals, small businesses, and other

entities, in ways that would be detrimental to the public welfare, or yield other unintended consequences that will frustrate the fair achievement of the statute's objectives in a manner that imperils the health, safety and well-being of New Jersey residents; and

WHEREAS, despite the encouraging decrease in the number of infections, the social distancing requirements that have been in place since March and related COVID-19 concerns have frustrated the ability of State agencies and members of the public to comply with certain statutory deadlines; and

WHEREAS, because of the broad range of regulated activities it is not appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue; 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, I have consulted with the Cabinet and other agency heads with regard to the prioritization of government activities and requirements that are most important to guarding the health, safety, and welfare of the residents of our State, and they have identified deadlines that can be postponed without significant detriment to the well-being of the public for limited periods of time; and

WHEREAS, I find that strict enforcement of certain statutory deadlines that fall within or shortly after the period of the Public Health Emergency would be detrimental to the public welfare; and

WHEREAS, I find that extensions of the deadlines identified in the Appendix to this Order are warranted to address the economic impact of COVID-19 upon individuals, businesses, or other non-government entities; to protect public health and safety, including because social distancing policies adopted in response to COVID-19 will make it harder for individuals, businesses, or other non-government entities to meet the deadline; to protect the health and safety of agency personnel, including because social distancing policies adopted in response to COVID-19 will make it harder to meet the deadline; to address other circumstances related to COVID-19 that would make enforcement of the deadline unduly burdensome for individuals, businesses, or other non-government entities; and to address issues arising from the COVID-19 pandemic that would make it unduly burdensome for the agency to adhere strictly to the deadline; 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, 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 statutory deadlines, including statutory effective dates, identified in the Appendix to this Order are hereby extended by the amount of time identified in the Appendix.

2. Except as specified in Paragraph 5, for statutory deadlines extended by a specific number of days from the original deadline, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or within 30 days after the last day of the Public Health Emergency.

3. Except as specified in Paragraph 5, for statutory deadlines extended until a specific number of days or months after the last day of the Public Health Emergency, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or at any time between the last day of the Public Health Emergency and the new deadline established pursuant to this Order.

4. Except as specified in Paragraph 5, an extension available pursuant to Paragraph 2 or 3 of this Order shall be available regardless of whether the original deadline has already passed.

5. An extension of a statutory deadline after which a filing with any agency or instrumentality of the State government is deemed approved shall be available to the agency only if the original deadline is on or after the date of this Order and within 30 days after the last day of the Public Health Emergency.

6. In addition to extensions available pursuant to Paragraphs 2 and 3 of this Order, this Order also provides extensions to Executive Branch agencies of specific, non-recurring deadlines that occur in 2020 and are identified in the Appendix.

7. For purposes of this Order, the "Public Health Emergency" means the Public Health Emergency declared in Executive Order No. 103 (2020), as extended by Executive Order No. 119

(2020), Executive Order No. 138 (2020), Executive Order No. 151 (2020), and any subsequent Executive Order which may further extend such Public Health Emergency.

8. Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law.

9. In administering the extensions set forth in this Order, each agency shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statute to the fullest extent.

10. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions or to any inaction of the governmental entity subject to it.

11. This Order shall take effect immediately.

GIVEN, under my hand and seal this
30th day of June,
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. 160

WHEREAS, the COVID-19 pandemic continues to spread around the globe, with some reports indicating that there are now over 10,357,000 cases of COVID-19 worldwide and over 2,624,000 cases in the United States; and

WHEREAS, New Jersey has been particularly hard-hit by COVID-19, with over 171,000 residents testing positive for COVID-19 and at least 13,224 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, at the beginning of this pandemic, social gatherings were prohibited to prevent further spread of the virus and loss of life, which prevented funerals and memorial services from going forward in the manner that they would under normal circumstances; and

WHEREAS, as a gesture of our collective mourning, I signed Executive Order No. 114 on April 3, 2020, which lowered flags to half-staff indefinitely as a reminder of the awful human toll that this pandemic has inflicted upon this State, our nation, and the world; and

WHEREAS, the number of New Jersey residents who have died from COVID-19 is now greater than the number of New Jersey residents who died in World War II, which was the deadliest armed conflict in the history of our State and nation; and

WHEREAS, despite this unfathomable loss of life, because of the enormous progress that we have made in the fight against COVID-19, we have been able to raise the limits on gatherings considerably,

which has allowed many funerals and memorial services to go forward;
and

WHEREAS, as of July 3, 2020, our flags will have been lowered for exactly three months, an unprecedented gesture of mourning for an unprecedented tragedy in the history of New Jersey; and

WHEREAS, while we continue to mourn all those who have lost their lives and keep their families in our thoughts and prayers, raising the flags at this time can serve as a symbol of our recovery and continued resolve, and will allow our flags to fly at full staff for Independence Day;

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 fly at full staff at all State departments, offices, agencies, and instrumentalities, starting on Friday, July 3, 2020.

2. As of Friday, July 3, 2020, Executive Order No. 114 (2020) is no longer in effect.

GIVEN, under my hand and seal this
2nd day of July,
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. 161

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

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-160 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and 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) to order steps to mitigate community spread of COVID-19, including to cancel all gatherings in the State; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can take steps and has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is in the second phase of the reopening process and has begun to relax restrictions on activities where appropriately safeguarded, especially outdoor activities; and

WHEREAS, the CDC has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, weddings, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the State and region, meaning that as the spread of COVID-19 decreases in a State, the State can significantly adjust its limits on indoor and outdoor gatherings; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that restrictions on gatherings can be lifted altogether, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the restrictions on indoor gatherings that remain in place may be more stringent than the restrictions that are in place for indoor retail settings, because in such retail settings individuals neither congregate in large groups nor remain in close proximity for extended periods, which are factors that have been linked to the increased risk of COVID-19 transmission; and

WHEREAS, because public health experts have identified that outdoor environments present reduced risks of transmission as compared to indoor environments, it is appropriate to adjust the restrictions relative to gatherings that happen outdoors even more considerably, meaning that certain gatherings that could not take place indoors may still happen in open-air outdoor spaces, but participants should maintain reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and to protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, even where a gathering is permitted, the protective measures that individuals should take, including use of masks and social distancing, remain important, most especially for larger gatherings, because as the CDC has recognized, an increase in the number of participants will offer more opportunities for

person-to-person contact, and will also present a higher risk of a super-spread event, especially when it takes place indoors; and

WHEREAS, consistent with the above principles, I signed Executive Order No. 156 (2020), limiting the number of persons at indoor gatherings to 25% of the capacity of the room in which it takes place, and stating that such limit, regardless of the capacity of the room, shall never be larger than 100 persons or smaller than 10 persons; and

WHEREAS, Executive Order No. 156 (2020) also limited the number of persons at outdoor gatherings to 250 persons, but stated that this limit does not apply to an outdoor gathering that is a religious service or political activity, such as a protest; and

WHEREAS, in the 10 days since Executive Order No. 156 (2020) was signed, the number of new cases has remained steady, and there has been a continued decline in COVID-19 related hospitalizations, Intensive Care Unit (ICU) admissions, and ventilator usage; and

WHEREAS, in light of this continued progress, it is both appropriate to further relax the limits on outdoor gatherings and to continue to do so in a gradual way, so that the State can continue to assess the progress of new COVID-19 cases and hospitalizations, and to monitor the rate of reproduction and the percentage of COVID-19 tests that yield positive results, relative to the new limits, and thereby avoid the increased spread of COVID-19 being identified in other parts of the country; and

WHEREAS, because outdoor gatherings present a substantially lower risk of transmission than indoor gatherings, it is reasonable to allow the limit of persons at outdoor gatherings to increase while keeping the limit of persons at indoor gatherings the same, particularly as other states around the country have reported spikes

in COVID-19 cases that public health experts believe to be driven by indoor activities; and

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

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

1. Paragraph 2(a) of Executive Order No. 152 (2020) is hereby superseded and the number of individuals at outdoor gatherings shall be limited to 500 persons or fewer. All other requirements for outdoor gatherings contained in Paragraph 2 of Executive Order No. 152 (2020) shall remain in effect, including the provision in Paragraph 2(f) that states that an outdoor gathering that is a religious service or political activity, such as a protest, is not required to comply with the numerical limit on persons. Paragraph 2 of Executive Order No. 156 (2020) is hereby rescinded.

2. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the limits on gatherings in Executive Order Nos. 107, 142, 148, 152, and/or 156 (2020) are hereby amended to reflect the rules on gatherings stated in this Order.

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

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

5. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

7. This Order shall take effect at 6:00 a.m. on Friday, July 3, 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
 2nd day of July,
 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. 162

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

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, 135-138, and 140-161 (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, unless renewed for an additional 30 days through a declaration of the Governor; and

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

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

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

WHEREAS, through Executive Order Nos. 119, 138, and 151 (2020), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, since the Public Health Emergency was renewed on June 4, 2020, at which time there were over 162,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of July 1, 2020, according to the World Health Organization, there were over 10,357,000 confirmed cases of COVID-19 worldwide, with over 508,000 of those cases having resulted in death; and

WHEREAS, as of July 1, 2020, according to the Centers for Disease Control and Prevention, there were over 2,624,000 confirmed cases of COVID-19 in the United States, with over 127,000 of those cases having resulted in death; and

WHEREAS, as of July 1, 2020, there were over 171,000 positive cases of COVID-19 in New Jersey, with at least 13,224 of those cases having resulted in death; and

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

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

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

WHEREAS, in line with the Plan, the State has been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor recreational and entertainment businesses have been lifted as of today; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

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

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

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

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

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

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

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

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

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by

any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
2nd day of July,
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. 163

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

WHEREAS, through Executive Order Nos. 119, 138, 151, and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-162 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all non-essential

retail businesses, as well as all recreational and entertainment businesses, and limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State began to take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, even as the State began to permit businesses to reopen indoor premises to the public, the State required all individuals to wear face coverings inside those premises, because face coverings have been demonstrated to significantly reduce the risk of COVID-19 transmission from person-to-person contact, and therefore are particularly necessary in high-risk indoor environments; and

WHEREAS, face coverings have been consistently required in indoor areas of retail businesses, recreational and entertainment businesses, food and beverage establishments, personal care service facilities, and mass transit, among others, reflecting the State's judgment that face coverings are needed to prevent the spread of COVID-19 in indoor areas; and

WHEREAS, while office buildings may have policies that allow for flexibility regarding employees who may not be interacting with others for certain periods during the workday, they should ensure that individuals who are in prolonged proximity are wearing face coverings to reduce the risk of COVID-19 transmission; and

WHEREAS, the Commissioner of the Department of Health has established appropriate policies concerning use of face coverings at child care centers, other child care facilities, and youth summer camps; and

WHEREAS, as the season has turned to summer and the State has reopened many businesses and activities, we have seen more and more examples of crowded outdoor settings, including at outdoor bars, beaches, and boardwalks; and

WHEREAS, while the risk of transmission is significantly lower in outdoor settings than in indoor settings, concentrations of individuals in close proximity outdoors who are unable to socially distance still create a danger that COVID-19 can spread from person-to-person; and

WHEREAS, in such outdoor settings, the risk of transmission is significantly reduced when individuals wear face coverings if they are unable to socially distance; and

WHEREAS, public health authorities advise against wearing a face covering when engaging in high intensity aerobic or anaerobic workouts, while in the water, and in certain other circumstances in which the mask could pose a safety hazard; and

WHEREAS, in light of public health guidance and further review, the definition of outdoor areas can be amended for purposes of outdoor dining, recreation, and entertainment, consistent with the approach taken in other states, to include areas that have a fixed roof but have at least two open sides comprising over 50 percent of the wall space, thus providing sufficient natural airflow; 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. When it is not practicable for individuals in outdoor public spaces to socially distance and keep a six-foot distance from others, excluding immediate family members, caretakers, household members, or romantic partners, consistent with Paragraph 3 of Executive Order No. 107 (2020), all individuals shall wear face coverings. This requirement shall not apply when wearing a face covering would inhibit that individual's health, including when engaging in high intensity aerobic or anaerobic activities,

when in the water, and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age.

2. The requirement in Paragraph 1 of this Order shall not apply in situations where individuals cannot feasibly wear a face covering, such as when individuals are eating or drinking at outdoor dining areas, or when individuals need to briefly remove their face coverings for religious reasons. In addition, for purposes of Paragraph 1 of this Order, "outdoor public spaces" do not include child care centers, other child care facilities, and youth summer camps, which continue to be governed by Executive Order No. 149 (2020) and applicable standards issued by the Commissioner of the Department of Health.

3. As provided for in Executive Order Nos. 122, 125, 135, 142, 152, 154, 155, and 157 (2020), all individuals shall continue to wear face coverings in indoor spaces that are accessible to members of the public, such as retail, recreational, and entertainment businesses, areas of government buildings open to the public, and mass transit buses, trains, and stations, except when doing so would inhibit the individual's health, including when engaging in high intensity aerobic or anaerobic activities, when in the water, and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age. For indoor commercial spaces that are not open to members of the public, such as office buildings, those spaces must have policies that at a minimum, require individuals to wear face coverings when in prolonged proximity to others. This Paragraph does not apply to child care centers, other child care facilities, and youth summer camps, which

continue to be governed by Executive Order No. 149 (2020) and applicable standards issued by the Commissioner of the Department of Health.

4. The definition of "outdoor areas" in Paragraph 4 of Executive Order No. 156 (2020) and Paragraph 4 of Executive Order No. 157 (2020) is hereby superseded. Provided that they comply with the requirements of Paragraph 4 of Executive Order No. 157 (2020), food or beverage establishments are permitted to offer in-person service at outdoor areas, defined as open air spaces that either 1) have no roof or cover or 2) have a fixed roof or temporary or seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed.

5. The definition of "outdoor areas" in Paragraph 4, above, shall apply to recreational and entertainment businesses that open their outdoor premises to the public in accordance with the requirements of Paragraph 7 of Executive Order No. 157 (2020).

6. Practices and competitions for sports defined as "Low Risk" in the Department of Health's "Guidance for Sports Activities" are permitted in both outdoor and indoor settings. No-contact practices for sports defined as "High or Medium Risk" in the Department of Health's "Guidance for Sports Activities" are permitted to resume in outdoor and indoor settings. Contact practices and competitions for sports defined as "Medium Risk" in the Department of Health's "Guidance for Sports Activities" are permitted to resume in outdoor settings only. Contact practices and competitions for sports defined as "High Risk" in the Department of Health's "Guidance for Sports Activities" remain prohibited in both indoor and outdoor settings. All activities

referenced in this Paragraph are subject to the "Guidance for Sports Activities" issued by the Commissioner of the Department of Health, and such activities must comply with all applicable laws, regulations, and Executive Orders, including restrictions on recreational and entertainment businesses in Paragraph 7 of Executive Order No. 157 (2020) and restrictions on gatherings in place at the time the sporting activities occur. Paragraph 13 of Executive Order No. 149 (2020) is superseded to the extent that it is inconsistent with the provisions of this Paragraph.

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

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

9. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

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

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

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 164

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

WHEREAS, through Executive Order Nos. 119, 138, 151, and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-163 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, as of July 12, 2020, according to the World Health Organization, there were more than 12,552,000 confirmed cases of COVID-19 worldwide, with over 561,000 of those cases having resulted in death; and

WHEREAS, as of July 12, 2020, according to the Centers for Disease Control and Prevention, there were more than 3,236,000 confirmed cases of COVID-19 in the United States, with over 134,000 of those cases having resulted in death; and

WHEREAS, as of July 12, 2020, there were over 175,000 cases of COVID-19 in New Jersey, with at least 13,594 of those cases having resulted in death; and

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

WHEREAS, pursuant to Executive Order No. 120 (2020), the primary elections set to take place on June 2, 2020, were postponed until July 7, 2020 ("July primary elections"), because preparing for elections to take place in June during the potential height of the COVID-19 emergency would have negatively impacted election officials' preparation efforts; and

WHEREAS, on May 15, 2020, I issued Executive Order No. 144, which declared that the July primary elections would be conducted primarily via vote-by-mail ballots with a minimum number of polling places open in each municipality; and

WHEREAS, to accommodate the increase in vote-by-mail ballots, Executive Order No. 144 (2020) extended the time that ballots must be received by five (5) days, provided that such ballots must be postmarked by July 7, 2020, and received by July 14, 2020, in order to be counted; and

WHEREAS, Executive Order No. 144 (2020) extended the deadline to certify election results under N.J.S.A. 19:23-55 by five (5) days in order to account for the revised timeframe that Boards of Elections had to receive vote-by-mail ballots, thereby extending the certification deadline to July 24, 2020; and

WHEREAS, pursuant to N.J.S.A. 19:5-2, the annual meetings of municipal party committees, where reorganizations of the committees and the election of municipal party chairpersons occur, are the first Monday following the primary elections, which is July 13, 2020; and

WHEREAS, pursuant to N.J.S.A. 19:5-3, the annual meetings of county party committees, where reorganizations of the committees and the election of county party chairpersons occur, are the first Tuesday following the primary election, which is July 14, 2020; and

WHEREAS, pursuant to N.J.S.A. 19:5-2 and 19:5-3, members of municipal party committees and members of county party committees are to take office on the first Saturday following their election; and

WHEREAS, because election results will not be certified until July 24, 2020, the first Saturday following the election of municipal and county party members will be July 25, 2020; and

WHEREAS, due to the extensions for certifying the July primary election results, in order to ensure the timely seating of municipal and county political party members, it is necessary to extend the timeline for seating those party members; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 105, which declared that certain elections set to take place in March and April were postponed until May 12, 2020 ("May elections"),

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 N.J.S.A. 40A:16-16, whenever the office of a governing body is deemed vacant, pursuant to N.J.S.A. 19:3-25, a special election is triggered, and the special election must be held not less than forty-five (45) days nor more than fifty (50) days from the date of the vacancy; and

WHEREAS, in at least one jurisdiction, the Superior Court has recently deemed there to be a vacancy following the May elections, triggering a special election in August; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the COVID-19 emergency makes it difficult for election officials, candidates, and voters to properly plan and prepare for and fully participate in special elections if they were to proceed as they would under normal circumstances; 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 special elections to proceed as they would under normal circumstances during this unprecedented COVID-19 health crisis will create hardships and health risks for voters, poll workers, and candidates alike; and

WHEREAS, the July primary election required special accommodations for and increased costs for COVID-19-mitigation efforts that are not normally associated with election administration, such as social-distancing measures, sanitization, and face coverings; and

WHEREAS, because there are no federal elections tied to the special elections, local jurisdictions will have to bear the burden of those costs in spite of the dire financial impact of the COVID-19 health crisis on local budgets; and

WHEREAS, Boards of Elections had difficulty retaining poll workers for the July primary election due to the COVID-19 pandemic and are likely to face the same issue for special elections so long as the health crisis exists; and

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

WHEREAS, failing to take proactive actions to mitigate the adverse impacts of the current health crisis on upcoming special elections carries the risk of disenfranchising citizens; 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, failing to offer voters a ready alternative to reporting to public polling locations to vote in special elections 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 such as 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, 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 deadline in N.J.S.A. 19:5-2 for the annual meetings of municipal party committees and the deadline in N.J.S.A. 19:5-3 for the annual meetings of county party committees are hereby suspended for 2020.

2. To allow newly elected and re-elected municipal party committee members and county party committee members to be properly seated during their parties' reorganization meetings, for 2020, the annual meetings for municipal party committees shall be held on the first Monday after the July primary election results are certified and the annual meetings for county party committees shall be held on the first Tuesday after the July primary election results are certified.

3. Any election scheduled for a date between July 7, 2020 and November 3, 2020, shall be postponed until November 3, 2020. Further, no other elections may be held or proceed prior to November 3, 2020.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
 13th day of July,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 165

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

WHEREAS, through Executive Order Nos. 119, 138, 151 and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I 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 COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-164 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and in recognition that the Centers for Disease Control and Prevention 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) to order steps to mitigate community spread of COVID-19; and

WHEREAS, in response to the current emergency, I issued Executive Order No. 125 on April 11, 2020 that addressed a variety of requirements that the following entities had to implement in order to protect the workers and customers using public transit during the COVID-19 State of Emergency: NJ TRANSIT (defined collectively as New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc.), the private carriers that NJ TRANSIT has entered into contracts with for the provision of bus and light rail service (hereinafter referred to collectively as "Private Carriers"), the private carriers that NJ TRANSIT has not entered into contracts with and that run their own individual lines of intrastate service in New Jersey as well as interstate service to New York and Pennsylvania (hereinafter referred to collectively as "Unaffiliated Private Carriers"), and the private carriers that NJ TRANSIT has entered into contracts with for the provision of Access Link paratransit services (hereinafter referred to as "Paratransit Private Carriers"); and

WHEREAS, within the State of New Jersey there are numerous entities that provide transportation services, directly or through a third party, to workers or employees to get to, return from, or move within or among work sites that are not otherwise available to the general public (hereinafter referred to as "Employer Provided Transportation Services"); and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can take steps and has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is in the second phase of the reopening process and has begun to relax restrictions on activities where appropriately safeguarded; and

WHEREAS, NJ TRANSIT has instituted enhanced cleaning efforts for vehicles across all its modes of transportation, including disinfecting vehicles every 24 hours, hard surface cleaning and disinfecting including handholds, arm rests, seating areas, and restrooms; and

WHEREAS, NJ TRANSIT has instituted enhanced cleaning regimens in stations including additional disinfecting of frequent customer touchpoints like ticket vending machines, handrails, and door handles; and

WHEREAS, as an added precautionary measure to protect bus operators and customers, NJ TRANSIT and Private Carriers previously implemented rear-door boarding on all bus routes where rear-boarding is available, and seats near the bus operator have also been taken out of service to allow for proper social distancing for the operator; and

WHEREAS, NJ TRANSIT bus operations is actively investigating and implementing the installation of physical barriers between operators and passengers to ensure adequate protections for its bus operators; and

WHEREAS, in accordance with the stay at home provisions of Paragraph 2 of Executive Order No. 107 (2020), which has since been rescinded by Paragraph 11 of Executive Order No. 153 (2020), NJ TRANSIT had issued customer advisories noting initially that travel across all of its modes of transportation should be limited to essential personnel who did not have any other feasible means of transportation; and

WHEREAS, following the announcement of New Jersey's Road Back Plan, NJ TRANSIT issued guidelines on June 16, 2020 entitled "Ride to Recovery", which indicated that travel on the NJ TRANSIT system is encouraged only for those who cannot work from home; and

WHEREAS, NJ TRANSIT, Private Carriers, and Unaffiliated Private Carriers have adjusted the weekday rail, bus, and light rail service to full weekday regular service schedules to accommodate increasing volume of travel with NJ TRANSIT bus service resuming full weekday schedule on June 8, 2020, NJ TRANSIT rail and light rail service resuming full weekday schedule on July 6, 2020, and Private Carrier and Unaffiliated Private Carriers gradually resuming pre-COVID service schedules based on customer demand; and

WHEREAS, in the three months since Executive Order No. 125 (2020) was signed, the number of new cases has continued to decrease, and there has been a continued decline in COVID-19 related hospitalizations, ICU admissions, and ventilator usage; and

WHEREAS, in light of this continued progress and the continued reopening of New Jersey in accordance with the Road Back Plan, it is appropriate to revise certain provisions of Executive Order No. 125 (2020) applying to NJ TRANSIT, Private Carriers, Unaffiliated Private Carriers, and Paratransit Private Carriers, and to also include provisions applying to Employer Provided Transportation Services, and to continue to do so in a gradual way, so that the State can continue to assess the progress of new COVID-19 cases and hospitalizations, and to monitor the rate of reproduction and the percentage of COVID-19 tests that yield positive results, relative to the new limits, and thereby avoid the spread of COVID-19 being identified in other parts of the country; and

WHEREAS, it is also appropriate to continue to impose specific mitigation requirements on NJ TRANSIT, Private Carriers, Unaffiliated Private Carriers, Paratransit Private Carriers, and Employer Provided Transportation Services to continue to protect workers and members of the public who cannot work from home and thus must be able to report to work, while also preventing increased spread of COVID-19; and

WHEREAS, even as the State began to permit businesses to reopen indoor premises to the public, the State required all individuals to wear face coverings inside those premises, because face coverings have been demonstrated to significantly reduce the risk of COVID-19 transmission from person-to-person contact, and

therefore are particularly necessary in high-risk indoor environments; and

WHEREAS, face coverings have been consistently required in indoor areas of retail businesses, recreational and entertainment businesses, personal care service facilities, and mass transit, among other contexts, reflecting the State's judgment that face coverings are needed to prevent the spread of COVID-19 in indoor areas; 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. NJ TRANSIT may open their trains, buses, and light rail vehicles to the stated maximum seated capacity, in accordance with any guidelines instituted by NJ TRANSIT operational divisions, provided that NJ TRANSIT adopts policies that include, at minimum, the following requirements:

- a. NJ TRANSIT shall continue to require infection control practices, such as coughing and sneezing etiquette, and proper tissue usage and disposal;
- b. NJ TRANSIT shall continue to arrange for contactless pay options across all modes of transportation wherever feasible. Such policies

shall, wherever possible, consider populations that do not have access to internet service;

- c. To the extent physical barriers, such as a shield guard, cannot be installed that protect bus operators from interaction with customers, NJ TRANSIT shall continue to arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator to allow for proper social distancing from the bus operator wherever feasible;
- d. NJ TRANSIT shall continue to require frequent sanitization of high-touch areas in stations, like restrooms, waiting areas, credit card machines, and keypads;
- e. NJ TRANSIT shall continue to place conspicuous signage at stations and throughout train cars, buses, and light rail vehicles, if applicable, alerting workers and customers to the need for social distancing;
- f. NJ TRANSIT shall continue to require workers and customers to wear cloth face coverings while on trains, buses, and light rail vehicles 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. NJ TRANSIT must provide, at its expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then NJ TRANSIT workers

may decline entry to the individual, in accordance with any guidelines instituted by NJ TRANSIT operational divisions. 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 NJ TRANSIT 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 a train, bus, or light rail vehicle due to a medical condition that inhibits such usage, neither NJ TRANSIT nor its workers shall require the individual to produce medical documentation verifying the stated condition;

- g. In accordance with Paragraph 3 of Executive Order No. 163 (2020), require workers and customers to wear cloth face coverings while in the indoor portion of any stations, facilities, or premises owned or operated by NJ TRANSIT, except where doing so would inhibit that individual's health or where the individual is under two years of age. If a customer refuses to wear a cloth face covering for non-medical reasons, then NJ TRANSIT workers may decline entry to the individual, in accordance with any guidelines instituted by NJ TRANSIT operational divisions. 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 NJ TRANSIT 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 in the indoor portion of any stations, facilities, or premises owned or operated by NJ TRANSIT due to a medical condition that inhibits such usage, neither NJ TRANSIT nor its workers shall require the individual to produce medical documentation verifying the stated condition;

- h. NJ Transit shall prohibit the consumption of food or beverages and smoking in trains, buses, and light rail vehicles; and
- i. In accordance with Paragraph 1 of Executive Order No. 163 (2020), when it is not practicable for individuals in the outdoor portion of any stations, facilities, or premises owned or operated by NJ TRANSIT to socially distance and keep a six-foot distance from others, excluding immediate family members, caretakers, household members, or romantic partners, consistent with Paragraph 3 of Executive Order No. 107 (2020), all individuals shall wear face coverings. This requirement shall not apply when wearing a face covering would inhibit that individual's health, and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age.

2. Private Carriers may open their buses and light rail vehicles to the stated maximum seated capacity in accordance with the terms of their contracts with NJ TRANSIT and in accordance with any guidelines instituted by the Private Carriers in consultation with NJ TRANSIT operational divisions, provided that Private Carriers adopt policies that include, at minimum, the following requirements:

- a. Private Carriers shall continue to require infection control practices, such as coughing and sneezing etiquette, and proper tissue usage and disposal;
- b. Private Carriers shall continue to arrange for contactless pay options across all modes of transportation that the Private Carriers operate wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;
- c. To the extent physical barriers, such as a shield guard, cannot be installed to protect bus operators from interaction with customers, Private Carriers shall continue to arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator wherever feasible to allow for proper social distancing from the bus operator;
- d. Private Carriers shall continue to place conspicuous signage throughout buses and light rail vehicles, if applicable, alerting workers and customers to the need for social distancing;

- e. Private Carriers shall continue to require workers and customers to wear cloth face coverings while on buses and light rail vehicles 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. Private Carriers must provide, at their own expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by the Private Carriers in consultation with NJ TRANSIT operational divisions. 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 Private Carriers are 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 a bus or light rail vehicle due to a medical condition that inhibits such usage, neither Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition;

- f. In accordance with Paragraph 3 of Executive Order No. 163 (2020), require workers and customers to wear cloth face coverings while in the indoor portion of any stations, facilities, or premises owned or operated by Private Carriers, except where doing so would inhibit that individual's health or where the individual is under two years of age. If a customer refuses to wear a cloth face covering for non-medical reasons, then Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by Private Carriers in consultation with NJ TRANSIT operational divisions. 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 Private Carriers are 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 in the indoor portion of any stations, facilities, or premises owned or operated by Private Carriers due to a medical condition that inhibits such usage, neither Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition;
- g. Private Carriers shall prohibit consumption of food or beverages and smoking in buses and light rail vehicles; and

- h. In accordance with Paragraph 1 of Executive Order No. 163 (2020), when it is not practicable for individuals in the outdoor portion of any stations, facilities, or premises owned or operated by Private Carriers to socially distance and keep a six-foot distance from others, excluding immediate family members, caretakers, household members, or romantic partners, consistent with Paragraph 3 of Executive Order No. 107 (2020), all individuals shall wear face coverings. This requirement shall not apply when wearing a face covering would inhibit that individual's health, and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age.

3. Unaffiliated Private Carriers may open their buses to the stated maximum seated capacity, in accordance with any guidelines instituted by the Unaffiliated Private Carriers, provided that Unaffiliated Private Carriers adopt policies that include, at minimum, the following requirements:

- a. Unaffiliated Private Carriers shall continue to require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- b. Unaffiliated Private Carriers shall continue to arrange for contactless pay options across all modes of transportation that the Unaffiliated Private Carriers operate wherever feasible. Such policies shall, wherever possible, consider

populations that do not have access to internet service;

- c. To the extent physical barriers, such as a shield guard, cannot be installed protecting bus operators from interaction with customers, Unaffiliated Private Carriers shall continue to arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator wherever feasible to allow for proper social distancing from the bus operator;
- d. Unaffiliated Private Carriers shall continue to place conspicuous signage throughout buses, if applicable, alerting workers and customers to the need for social distancing;
- e. Unaffiliated Private Carriers shall continue to require workers and customers to wear cloth face coverings while on buses 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. Unaffiliated Private Carriers must provide, at their own expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Unaffiliated Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by the Unaffiliated Private Carriers. 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 Unaffiliated Private Carriers are 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 a bus due to a medical condition that inhibits such usage, neither Unaffiliated Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition;

- f. In accordance with Paragraph 3 of Executive Order No. 163 (2020), require workers and customers to wear cloth face coverings while in the indoor portion of any stations, facilities, or premises owned or operated by Unaffiliated Private Carriers, except where doing so would inhibit that individual's health or where the individual is under two years of age. If a customer refuses to wear a cloth face covering for non-medical reasons, then Unaffiliated Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by the Unaffiliated Private Carriers. 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 Unaffiliated Private Carriers are 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 in the indoor portion of any stations, facilities, or premises owned or operated by Unaffiliated Private Carriers due to a medical condition that inhibits such usage, neither Unaffiliated Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition;

- g. Unaffiliated Private Carriers shall prohibit the consumption of food or beverage and smoking on buses; and
- h. In accordance with Paragraph 1 of Executive Order No. 163 (2020), when it is not practicable for individuals in the outdoor portion of any stations, facilities, or premises owned or operated by Unaffiliated Private Carriers to socially distance and keep a six-foot distance from others, excluding immediate family members, caretakers, household members, or romantic partners, consistent with Paragraph 3 of Executive Order No. 107 (2020), all individuals shall wear face coverings. This requirement shall not apply when wearing a face covering would inhibit that individual's health, and in other situations where the presence of a mask would pose a risk to the individual's safety, or where the individual is under two years of age.

4. Paratransit Private Carriers may open their Access Link vehicles to the stated maximum seated capacity in accordance with the terms of their contracts with NJ TRANSIT, and in accordance with any guidelines instituted by the Paratransit Private Carriers in consultation with NJ TRANSIT operational divisions, provided that Paratransit Private Carriers adopt policies that include, at minimum, the following requirements:

- a. Paratransit Private Carriers shall continue to require infection control practices, such as coughing and sneezing etiquette, and proper tissue usage and disposal;
- b. Paratransit Private Carriers shall continue to arrange for contactless pay options, including EZ Wallet, across all modes of transportation that the Paratransit Private Carriers operate wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;
- c. Paratransit Private Carriers shall continue to place conspicuous signage throughout Access Link vehicles, if applicable, alerting workers and customers to the need for social distancing;
- d. Paratransit Private Carriers shall continue to require workers and customers to wear cloth face coverings while on all Access Link vehicles 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. Paratransit Private Carriers must provide, at their own expense, such

face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Paratransit Private Carriers may decline entry to the individual, in accordance with any guidelines instituted by the Paratransit Private Carriers in consultation with NJ TRANSIT operational divisions. 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 Paratransit Private Carriers are 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 an Access Link vehicle due to a medical condition that inhibits such usage, neither Paratransit Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition; and

- e. Paratransit Private Carriers shall prohibit the consumption of food or beverages and smoking on Access Link vehicles.

5. Employer Provided Transportation Services may operate their vehicles, up to the stated seated maximum capacity, provided that these entities adopt policies that include, at minimum, the following requirements:

- a. Require infection control practices, such as coughing and sneezing etiquette, and proper tissue usage and disposal;
- b. Place conspicuous signage throughout vehicles, if applicable, alerting workers and customers to the need for social distancing;
- c. Require workers to wear cloth face coverings while on all vehicles except where doing so would inhibit that individual's health or where the individual is under two years of age, and require drivers to wear gloves when in contact with workers. These employers must provide, at their own expense, such face coverings and gloves for their drivers and workers, to the extent supplies are available. If a worker refuses to wear a cloth face covering for non-medical reasons, then these employers may decline entry to the individual, in accordance with any guidelines instituted by these employers that provide such transportation services. Nothing in the stated policy should prevent workers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if these employers are 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 Employer Provided Transportation Service vehicles due to a medical condition that inhibits such usage, neither these employers nor any of their

drivers shall require the individual to produce medical documentation verifying the stated condition; and

- d. Employer Provided Transportation Services shall prohibit the consumption of food or beverages and smoking on their vehicles.

6. 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 where practicable and frequently using sanitizing products. Paragraph 4 of Executive Order No. 107 (2020) is hereby superseded.

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

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

9. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or with any of the provisions of any subsequent Administrative Orders adopted pursuant to this Order, or which will or might in

any way interfere with or impede the achievement of any or all of these Orders.

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

This Order shall take effect beginning at 8:00 p.m. on Wednesday, July 15, 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
13th day of July,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy
Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 166

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

WHEREAS, 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 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, which have been strengthened and expanded upon in subsequent Executive Orders, including Executive Order Nos. 105-133, Nos. 135-138, and Nos. 140-165 (2020), the facts and circumstances of which are adopted by reference herein; 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, also on March 13, 2020, the President determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a nationwide 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 in New Jersey 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, the Federal Government has established various sources of federal funding for state and local governments, businesses, non-profit organizations, and members of the public to support pandemic response and economic recovery, with state and local governments serving as intermediaries for the distribution of some of those funds; and

WHEREAS, New Jersey state and local governments, as well as non-government sources, are likely to make additional funding available to support pandemic response and economic recovery; and

WHEREAS, efficient and effective audit and oversight functions combined with robust transparency procedures foster government accountability, while increasing public trust and confidence that every public dollar is spent toward impactful recovery and resilience projects and programs; and

WHEREAS, New Jersey residents expect that government agencies will maintain adequate controls over financial management, contracting, financial reporting, and the delivery of government programs and activities with due regard to efficiency, effectiveness, and economy; and

WHEREAS, the distribution of emergency and relief funds to local government units, businesses, non-profit organizations, and the general public is a priority of my Administration, and the waste, fraud, or abuse of those funds would frustrate that purpose; and

WHEREAS, the Legislature established an independent Office of the State Comptroller ("State Comptroller") to report directly to the Governor and to promote accountability and oversight for the expenditure of public funds; and

WHEREAS, the provisions of this Order regarding the State Comptroller have been developed in consultation with and with the concurrence of the State Comptroller; and

WHEREAS, in addition to the COVID-19 pandemic, various hazards over the last decade, such as hurricanes, winter storms, floods, and other natural disasters, have caused severe physical damages and

economic impacts in New Jersey that have resulted in significant distributions of federal funds to residents and private entities, as well as to local, county, and State government facilities and operations; and

WHEREAS, the Governor's Office of Recovery & Rebuilding was created during the prior Administration pursuant to Executive Order No. 125 (2013) to coordinate the State's multi-billion dollar rebuilding effort following Superstorm Sandy, which caused unprecedented damages to the State's people, economy, infrastructure, and resources, and that Office continues to oversee various State-led and federally funded recovery, rebuilding, and resilience projects; 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 Establishment of the Governor's Disaster Recovery Office. There shall be established a Governor's Disaster Recovery Office ("GDRO") within the Governor's Office, reporting to the Governor's Chief of Staff. The GDRO shall be led by an Executive Director, who shall work full-time on the State's COVID-19 recovery, as well as any past or future disaster recovery or resilience efforts, and shall have experience in disaster recovery, public transparency, risk management, fraud prevention, and federal compliance. The GDRO shall be responsible for the following activities:

- a. Coordinating the work of "COVID-19 Accountability Officers", as described in Paragraph 2(a) of this Order, to ensure cross-agency collaboration, compliance, and transparency;
- b. Developing a transparency website within ninety (90) days of the date of this Order to track the State's eligible and planned uses of any funds disbursed by the federal or State government to help New Jersey residents, businesses, non-profit organizations, government agencies, and other entities respond to or recover from the COVID-19 pandemic ("COVID-19 Recovery Programs"), including any funds awarded to the State pursuant to the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 ("COVID-19 Recovery Funds");
- c. Coordinating and consulting with all relevant stakeholders regarding the disbursement of COVID-19 Recovery Funds and the administration of COVID-19 Recovery Programs, including:
 - i. State Executive Branch agencies;
 - ii. The Office of Diversity and Inclusion, within the Department of Treasury;
 - iii. Federal government agencies, including the Federal Emergency Management Agency, the U.S. Department of Health & Human Services, the U.S. Small Business Administration, the U.S. Department of Labor, the U.S. Department of the Treasury, the U.S. Department of Housing & Urban Development, the U.S. Army Corps of Engineers, and the U.S. Department of Education;
 - iv. Local and county government units; and
 - v. Non-governmental stakeholders, including the Governor's Restart and Recovery Commission as

described in Executive Order No. 131 (2020), residents, the business community, and non-profit organizations engaged in COVID-19 disaster recovery activities;

- d. Publishing an annual report summarizing the State's use of federal funds in response to COVID-19; and
- e. Assuming the responsibilities of the Governor's Office of Recovery & Rebuilding, which will no longer exist.

2. COVID-19 Recovery Program Participants. Each principal department and agency of this State, as well as each independent State authority, that receives COVID-19 Recovery Funds or administers a COVID-19 Recovery Program ("COVID-19 Recovery Program Participant") is hereby directed to:

- a. Appoint or designate a senior-level official as the Recovery Program Participant's "COVID-19 Accountability Officer", who shall serve as the COVID-19 Recovery Program Participant's primary liaison to the GDRO and the Office of the State Comptroller, and who shall oversee the responsible disbursement of COVID-19 Recovery Funds by or through that COVID-19 Recovery Program Participant, and the administration of any COVID-19 Recovery Programs operated by the COVID-19 Recovery Program Participant;
- b. Ensuring that all new potential procurements involving an expenditure of \$150,000 or more involving COVID-19 Recovery Funds and/or a COVID-19 Recovery Program are submitted to the State Comptroller for review as part of the procurement process, as described in Paragraph 3(a) of this Order; and

- c. Provide, at request of the State Comptroller, all documentation demonstrating that an expenditure of less than \$150,000 involving COVID-19 Recovery Funds and/or a COVID-19 Recovery Program complied with all relevant federal and State laws.

3. State Comptroller. The Office of the State Comptroller shall exercise its statutory responsibilities pursuant to N.J.S.A. 52:15C-1, et seq., and shall:

- a. Review potential procurements submitted by COVID-19 Recovery Program Participants pursuant to Paragraph 2(b) of this Order and determine, within 10 business days, whether the proposed procurement process complies with applicable public contracting laws, rules, and regulations. If the State Comptroller determines that the proposed procurement process does not comply with applicable laws, rules, and regulations, the State Comptroller shall inform the COVID-19 Recovery Program Participant, as well as the GDRO, of the changes needed to make the process legally compliant;
- b. Amend, as necessary, the monetary threshold for the review process described in Paragraphs 2(b) and 3(a) of this Order, either for all COVID-19 Recovery Programs and COVID-19 Recovery Program Participants or for individual programs and participants, in order to balance the need for efficient and timely procurements with the need to mitigate risks arising from such procurements;
- c. Provide training and assistance to each Recovery Program Participant regarding best practices for mitigating risks of waste, fraud, and abuse;

- d. Serve as the chair of the COVID-19 Compliance and Oversight Taskforce, as described in Paragraph 4 of this Order;
- e. Oversee the work of any COVID-19 Integrity Oversight Monitors appointed pursuant to Paragraph 5 of this Order, and receive regular updates from such monitors regarding their work; and
- f. Ensure that all approved contracts for the allocation and expenditure of resources involving a Recovery Program allocated by or through any Recovery Program Participant are publicly posted online to the dedicated GDRO transparency website described in Paragraph 1(b) of this Order.

4. COVID-19 Compliance and Oversight Taskforce. There shall be established a "COVID-19 Compliance and Oversight Taskforce" (the "Taskforce"), which shall advise the Recovery Program Participants on complying with federal and State law and mitigating risks of waste, fraud, and abuse. The Taskforce shall:

- a. Consist of the following members or their designees:
 - i. The State Comptroller, who shall serve as chair;
 - ii. The Attorney General;
 - iii. The State Treasurer;
 - iv. The GDRO Executive Director; and
 - v. Three Recovery Program Participants' COVID-19 Accountability Officers, as determined by the Taskforce Chair;
- b. Issue, within thirty (30) days of this Order, guidelines regarding the appointment and responsibilities of "COVID-19 Oversight Integrity Monitors," as described in Paragraph 5 of this Order;
- c. Issue, within forty-five (45) days of the date of this Order, a comprehensive plan describing the State's system to guard against fraud, waste, and

abuse in the disbursement of COVID-19 Recovery Funds and the administration of COVID-19 Recovery Programs (the "Taskforce Compliance Plan"); and

- d. Issue updates to the Taskforce Compliance Plan that assess any new risks not addressed in prior versions of the compliance plan and that propose appropriate mitigation measures.

5. COVID-19 Integrity Oversight Monitoring Program. In accordance with the guidance issued by the Taskforce pursuant to Paragraph 4(b) of this Order, a Recovery Program Participant may retain and appoint a COVID-19 Integrity Oversight Monitor ("Monitor") to oversee the disbursement of COVID-19 Recovery Funds and/or the administration of a COVID-19 Recovery Program. Each Monitor shall operate according to the guidelines established by the Taskforce pursuant to Paragraph 4(b) of this Order and shall:

- a. Develop measures to prevent, detect, and remediate inefficiency and malfeasance in the expenditure of COVID-19 Recovery Funds;
- b. Respond promptly to any inquiries posed by the GDRO or the State Comptroller; and
- c. Submit a quarterly report detailing the specific services rendered during that quarter and any findings of fraud, waste, or abuse to the State Treasurer, who shall share the reports with the GDRO, the Senate President, the Speaker of the General Assembly, the Attorney General, and the State Comptroller. The integrity oversight monitor quarterly reports will be posted on the GDRO transparency website described in Paragraph 1(b) of this Order.

6. The State Comptroller and the GDRO shall report to the Governor from time to time on the progress of the COVID-19 recovery and the compliance process, and, in doing so, shall indicate whether

additional staff and assistance is necessary to ensure accountability, transparency, and the timely expenditure of federal resources.

7. The GDRO and the Taskforce shall be authorized to call upon any department, office, division, or agency of this State to supply them with any information, personnel, or other assistance necessary to discharge their duties under this Order.

8. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the State Comptroller, the GDRO, and the Taskforce, and to furnish the State Comptroller, the GDRO, and the Taskforce with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

9. This Order shall take effect immediately.

[seal]

GIVEN, under my hand and seal this
17th day of July,
Two Thousand and Twenty,
and of the Independence of
the United States, the Two
Hundred and Forty-Fifth.

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 167

WHEREAS, Representative John Lewis was born John Robert Lewis on February 21, 1940 in Troy, Alabama, as the son of two sharecroppers; and

WHEREAS, Representative Lewis graduated from the American Baptist Theological Seminary in Nashville and received a Bachelor's degree in Religion and Philosophy from Fisk University; and

WHEREAS, Representative Lewis became heavily involved in the civil rights movement as a student, organizing sit-ins at segregated lunch counters, bus boycotts, and other nonviolent protests, and was arrested and jailed many times for his efforts; and

WHEREAS, in 1961, Representative Lewis became one of the 13 original Freedom Riders, both black and white, who were determined to ride together from Washington, D.C. to New Orleans to pressure the federal government to enforce the U.S. Supreme Court's decision that segregated interstate bus travel was unconstitutional; and

WHEREAS, Representative Lewis and his fellow Freedom Riders were repeatedly beaten and assaulted by racist mobs in states throughout the South, but were not deterred; and

WHEREAS, in 1963, Representative Lewis was elected as chairman of the Student Nonviolent Coordinating Committee (SNCC), which he had helped found, and served as chairman until 1966; and

WHEREAS, while chairman of the SNCC, Representative Lewis was one of the six leaders who organized the March on Washington in 1963, where Dr. Martin Luther King Jr. delivered his famous "I Have a Dream" speech, and Representative Lewis was the youngest speaker at the March on Washington, at age 23; and

WHEREAS, Representative Lewis coordinated SNCC's efforts for the Freedom Summer in Mississippi, where college students from around the country traveled to Mississippi to help African-Americans register to vote; and

WHEREAS, on March 7, 1965, which became known as "Bloody Sunday", Representative Lewis led over 600 marchers in a peaceful march across

the Edmund Pettus Bridge in Selma, Alabama, where they were met by Alabama State Troopers, who discharged tear gas and brutally beat many of the marchers with night sticks; and

WHEREAS, Representative Lewis was beaten so badly that his skull was fractured, but he managed to escape the assault, and even before going to the hospital, appeared on national television to call on President Lyndon Johnson to intervene; and

WHEREAS, Representative Lewis would bear physical scars on his head from that day for the rest of his life; and

WHEREAS, Representative Lewis went on to serve as associate director of the Field Foundation in New York City, director of the Southern Regional Council's Community Organization Project, and director of the Voter Education Project; and

WHEREAS, Representative Lewis served in President Jimmy Carter's administration as associate director of ACTION, which was described as "the federal domestic volunteer agency"; and

WHEREAS, in 1981, Representative Lewis was elected to an at-large seat on the Atlanta City Council, and served in that role until 1986; and

WHEREAS, in 1986, Representative Lewis was elected to represent Georgia's Fifth Congressional District in the U.S. House of Representatives, and was re-elected 16 times, serving nearly 34 years in Congress; and

WHEREAS, during his time in Congress, Representative Lewis was a leading voice for racial justice, LGBTQ rights, national health insurance, comprehensive immigration reform, and gun safety; and

WHEREAS, Representative Lewis voted against and fiercely opposed the war in Iraq that was launched in 2003, and was repeatedly arrested for protesting the genocide in Darfur at the Sudanese embassy; and

WHEREAS, in 1988, Representative Lewis introduced a bill to create a national African-American museum in Washington, D.C., which was blocked for fifteen years, largely due to opposition in the Senate from Southern senators; and

WHEREAS, Representative Lewis continued to fight for the creation of such a museum, and in 2003, his bill was finally passed and signed into law, and the National Museum of African-American History and Culture opened on September 25, 2016; and

WHEREAS, Representative Lewis's autobiography *Walking with the Wind: A Memoir of the Movement*, was widely acclaimed and won numerous awards, including the Robert F. Kennedy Book Award; and

WHEREAS, Representative Lewis has received numerous awards for his courage, heroism, and leadership, including the Profile in Courage Award from the John F. Kennedy Library Foundation and the Springarn Medal from the NAACP; and

WHEREAS, Representative Lewis was the only living speaker from the March on Washington to be present on stage during Barack Obama's inauguration as the first African-American President, and in 2011, President Obama awarded Representative Lewis the Presidential Medal of Freedom; and

WHEREAS, Representative Lewis married Lillian Miles in 1968, and the two had a son, John-Miles, and remained married until Lillian's death in December 2012; and

WHEREAS, Representative Lewis passed away on July 17, 2020, at the age of 80, from pancreatic cancer; and

WHEREAS, as a towering figure of the civil rights movement, Representative Lewis forever changed America, as his work led to the establishment of civil rights and voting rights for millions of Americans who had been deprived of these basic liberties for centuries; and

WHEREAS, through his commitment, bravery, and sacrifice, Representative Lewis bent the arc of justice and pushed America closer to the ideals of equality and justice that are expressed in our Founding documents, but are not a reality for many Americans to this very day; and

WHEREAS, Representative Lewis continued his fight for economic, social, and racial justice for over three decades in the halls of

Congress, as he recognized that the fight for dignity and human rights did not end in the 1960s and now must be carried on by every one of us; and

WHEREAS, Representative Lewis will be sorely missed by his son, John-Miles, his family, his friends, and a country that will forever be in his debt;

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 Saturday, July 18, 2020, through the day of Representative Lewis's interment, in recognition and mourning of an American hero, Representative John Lewis.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
18th day of July,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 168

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

WHEREAS, through Executive Order Nos. 119, 138, 151, and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-166 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19,

the State began to take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, organized sports play a crucial role for individuals' physical and mental development, and for a number of athletes, organized sports offer the possibility of collegiate scholarships or other opportunities; and

WHEREAS, on May 29, 2020, I signed Executive Order No. 149, which allowed organized sporting activities to resume on June 22, 2020, in outdoor settings, provided that they did not involve person-to-person contact or individuals routinely interacting in close proximity; and

WHEREAS, Executive Order No. 149 (2020) also directed the Commissioner of the Department of Health to issue health and safety standards regarding sporting activities before June 22, 2020; and

WHEREAS, on June 15, 2020, the Commissioner of the Department of Health issued Guidance for Sports Activities (the "Guidance"), which categorized sports as "High Risk", "Medium Risk", and "Low Risk"; and

WHEREAS, the Guidance stated that practices and competitions for Low Risk sports could resume on June 22, 2020 in outdoor settings, because pursuant to Executive Order No. 149 (2020), they do not involve person-to-person contact and do not routinely entail individuals interacting within six feet of one another; and

WHEREAS, the Guidance noted no-contact practices for Medium Risk and High Risk sports could also resume on June 22, 2020, in outdoor settings, consistent with Executive Order No. 149 (2020); and

WHEREAS, the Guidance also stated that, assuming continued progress in the fight against COVID-19, contact practices and competitions were expected to be able to resume for Medium Risk sports on July 6, 2020; and

WHEREAS, the Guidance further stated, again assuming continued progress in the fight against COVID-19, that contact practices and competitions were expected to be able to resume for High Risk sports on July 20, 2020; and

WHEREAS, such contemplated authorizations of contact practices and competitions in the Guidance would have to be implemented by Executive Order; and

WHEREAS, on July 8, 2020, I issued Executive Order No. 163, which among other things, stated that practices and competitions for Low Risk sports and no-contact practices for High or Medium Risk sports could resume in both outdoor and indoor settings; and

WHEREAS, Executive Order No. 163 (2020) also stated that contact practices and competitions for Medium Risk sports were permitted to resume, but in outdoor settings only; and

WHEREAS, Executive Order No. 163 (2020) noted that contact practices and competitions for High Risk sports remain prohibited in both indoor and outdoor settings; and

WHEREAS, because of our continued progress, we can now allow High Risk sports to resume contact practices and competitions, but such practices and competitions should take place in outdoor settings only, to reduce the risk of transmission; and

WHEREAS, the indefinite prohibition of contact practices and competitions would be highly disruptive to individuals' athletic careers, and could endanger certain opportunities for individuals, such as collegiate scholarships; and

WHEREAS, organized sports typically involve a common, defined group of people interacting, which makes contact tracing easier in the event there are identified cases of 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. Practices and competitions for sports defined as "Low Risk" by the Department of Health's Guidance are permitted in both outdoor and indoor settings. No-contact practices for sports defined as "High Risk" or "Medium Risk" in the Department of Health's Guidance are permitted to resume in outdoor and indoor

settings. Contact practices and competitions for sports defined as "Medium Risk" and "High Risk" in the Department of Health's Guidance are permitted to resume in outdoor settings only. All activities referenced in this Paragraph are subject to the Guidance issued by the Commissioner of the Department of Health, and such activities must comply with all applicable laws, regulations, and Executive Orders, including restrictions on recreational and entertainment businesses in Paragraph 7 of Executive Order No. 157 (2020) and restrictions on gatherings in place at the time the sporting activities occur. Paragraph 13 of Executive Order No. 149 (2020) and Paragraph 6 of Executive Order No. 163 (2020) are superseded to the extent that they are inconsistent with the provisions of this Paragraph.

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

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 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 this Order,

or which will or might in any way interfere with or impede its achievement.

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

6. 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 the Department of Health as appropriate.

GIVEN, under my hand and seal this
20th day of July,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 169

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("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, through Executive Order Nos. 119, 138, 151, and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, and No. 168 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, pursuant to Executive Order No. 120 (2020), the primary elections set to take place on June 2, 2020, were postponed until July 7, 2020 ("July primary elections"), because preparing

for elections to take place in June during the potential height of the COVID-19 emergency would have negatively impacted election officials' preparation efforts; and

WHEREAS, Executive Order No. 144 (2020) extended the deadline to certify election results under N.J.S.A. 19:23-55 by five (5) days in order to account for the revised timeframe that Boards of Elections had to receive vote-by-mail ballots for the July 7 primary elections, thereby extending the certification deadline to July 24, 2020; and

WHEREAS, Executive Order No. 164 (2020) postponed the annual meetings in 2020 for municipal party committees to the first Monday after the July primary election results are certified, and postponed the annual meetings in 2020 for county party committees to the first Tuesday after the July primary election results are certified; and

WHEREAS, the annual municipal party committee meetings and the annual county party committee meetings were postponed for 2020 to allow newly elected and re-elected municipal party committee members and county party committee members to be properly seated during their parties' reorganization meetings; and

WHEREAS, not every county held elections for municipal party committees and county party committees during the July primary elections; and

WHEREAS, for those municipal party committees and county party committees that did not have an election to determine their memberships, there is no need for them to postpone their annual meetings in order to properly seat newly elected and re-elected municipal party committee members and county party committee members; and

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

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

1. Paragraphs 1 and 2 of Executive Order No. 164 (2020) shall apply only to municipal party committees and county party committees whose memberships were up for election during the July primary elections.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
20th day of July,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 170

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

WHEREAS, through Executive Order Nos. 119, 138, 151, and 162, issued on April 7, 2020, May 6, 2020, June 4, 2020, and July 2, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted, in whole or in part, in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-159, Nos. 161-166, and Nos. 168-69 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

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

WHEREAS, in recognition that the Centers for Disease Control and Prevention had 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) to order steps to mitigate community spread of COVID-19; and

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

WHEREAS, Executive Order No. 107 (2020) also mandated that all businesses and non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements, and reduce staff on site to the minimal number necessary to continue essential operations because restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, all State offices and Executive Branch departments and agencies have been directed to prioritize addressing immediate public needs, including protecting public health, safety, and the environment, while still trying as much as is practicable to maintain the basic functions of State government, and its many duties, missions, and initiatives; and

WHEREAS, notwithstanding the extraordinary circumstances of the COVID-19 pandemic, certain Executive Branch departments and agencies remain subject to statutory provisions that require agencies to review and act upon certain filings or other authorizations before a specified deadline lest the matter under review be deemed approved; and

WHEREAS, a public health emergency such as the COVID-19 pandemic, and especially my direction to strictly observe social distancing practices, including avoiding all non-essential travel, working remotely, and prioritizing addressing immediate public needs, including protecting public health, safety, and the environment, is an impediment to compliance with the statutory timeframes by Executive Branch agencies; and

WHEREAS, members of the public, including individuals, small businesses, and other entities, may similarly be limited in their ability to act within statutory timeframes and may require additional time due to the interruptions related to the Public Health Emergency and the social distancing and mitigation restrictions imposed; and

WHEREAS, strict enforcement of certain statutory timeframes during and shortly following the ongoing Public Health Emergency could unduly burden the Executive Branch, industry, and members of the public, including individuals, small businesses, and other entities, in ways that would be detrimental to the public welfare, or yield other unintended consequences that will frustrate the fair achievement of the statute's objectives in a manner that imperils the health, safety, and well-being of New Jersey residents; and

WHEREAS, despite the encouraging decrease in the number of infections, the social distancing requirements that have been in place since March and related COVID-19 concerns have frustrated the ability of State agencies and members of the public to comply with certain statutory deadlines; and

WHEREAS, because of the broad range of regulated activities, it is not appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue; 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, I have consulted with the Cabinet and other agency heads with regard to the prioritization of government activities and requirements that are most important to guarding the health, safety, and welfare of the residents of our State, and they have identified deadlines that can be postponed without significant detriment to the well-being of the public for limited periods of time; and

WHEREAS, I find that strict enforcement of certain statutory deadlines that fall within or shortly after the period of the Public Health Emergency would be detrimental to the public welfare; and

WHEREAS, I find that extensions of the deadlines identified in the Appendix to this Order are warranted to address the economic impact of COVID-19 upon individuals, businesses, or other non-government entities; to protect public health and safety, including because social distancing policies adopted in response to COVID-19 will make it harder for individuals, businesses, or other non-government entities to meet the deadline; to protect the health and safety of agency personnel, including because social distancing policies adopted in response to COVID-19 will make it harder to meet the deadline; to address other circumstances related to COVID-19 that would make enforcement of the deadline unduly burdensome for individuals, businesses, or other non-government entities; and to address issues arising from the COVID-19 pandemic that would make it unduly burdensome for the agency to adhere strictly to the deadline; 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, 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 statutory deadlines, including statutory effective dates, identified in the Appendix to this Order are hereby extended by the amount of time identified in the Appendix.

2. Except as specified in Paragraph 5, for statutory deadlines extended by a specific number of days from the original deadline, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or within 30 days after the last day of the Public Health Emergency.

3. Except as specified in Paragraph 5, for statutory deadlines extended until a specific number of days or months after the last day of the Public Health Emergency, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or at any time between the last day of the Public Health Emergency and the new deadline established pursuant to this Order.

4. Except as specified in Paragraph 5, an extension available pursuant to Paragraph 2 or 3 of this Order shall be available regardless of whether the original deadline has already passed.

5. An extension of a statutory deadline after which a filing with any agency or instrumentality of the State government is deemed approved shall be available to the agency only if the original deadline is on or after the date of this Order and within 30 days after the last day of the Public Health Emergency.

6. In addition to extensions available pursuant to Paragraphs 2 and 3 of this Order, this Order also provides extensions to Executive Branch agencies of specific, non-recurring deadlines that occur in 2020 and are identified in the Appendix.

7. For purposes of this Order, the "Public Health Emergency" means the Public Health Emergency declared in Executive Order No. 103 (2020), as extended by Executive Order No. 119 (2020), Executive Order No. 138 (2020), Executive Order No. 151 (2020), Executive Order No. 162

(2020), and any subsequent Executive Order which may further extend such Public Health Emergency.

8. Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law.

9. In administering the extensions set forth in this Order, each agency shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statute to the fullest extent.

10. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions, or to any inaction of the governmental entity subject to it.

11. This Order shall take effect immediately.

GIVEN, under my hand and seal this
31st day of July,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

APPENDIX TO EXECUTIVE ORDER NO. 170

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-10.1(b)	The affected statutory provision requires a county board or the Committee to conduct a public hearing and issue findings and recommendations within 60 days of receipt of a complaint by a person aggrieved by the operation of a commercial farm. This extension will extend the time to act under this provision until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-10.1(c)	The affected statutory provision requires the Committee to hold a public hearing and issue its decision within 60 days of receipt of a complaint forwarded by a county board for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice. This extension will extend the time to schedule a hearing and issue a decision by 60 days.	Extend by 60 days
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-10.1(d)	The affected statutory provision requires that the Committee schedule a hearing and make a determination within 90 days of receipt of a petition for review filed by a person aggrieved by a decision of a county agriculture development board. This extension will extend the time for the Committee to take action under this provision by 60 days.	Extend by 60 days
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-19(b)	The affected statutory provision requires the county board and the Committee to review, within 30 days of receipt, a notice of intent filed by a public body or public utility which intends to exercise the power of eminent domain for the acquisition of land included in an agricultural development area, or which intends to advance a grant, loan, interest subsidy or other funds within an agricultural development area for the construction of dwellings, commercial or industrial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures. This extension will extend the deadline for action by the board or Committee until 30 days after the last day of the public health emergency.	Extend until 30 days after last day of PHE
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-21(c)	The affected statutory provision requires a municipal planning board to review and report to the municipal governing body the potential effect of a proposed municipally approved program upon the planning policies and objectives of the municipality within 60 days of receipt of a petition to enter a farm into an 8-year or 16-year term farmland preservation program easement. This extension will extend the deadline for action by a municipal planning board until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-21(d)	The affected statutory provision requires that a municipal governing body shall, after public hearing and within 120 days of receipt of a municipal planning board's report on the potential effect of a proposed municipally approved program upon the planning policies and objectives of the municipality, recommend to the board, by ordinance duly adopted, that the municipally approved program boundaries be approved, conditionally approved with proposed geographical modifications, or disapproved. This extension will extend the time for the municipal governing body to act under this provision by 60 days.	Extend by 60 days
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-21(i)	The affected statutory provision states that the provisions of this section to the contrary notwithstanding, if any municipal governing body fails to act on a petition to create a municipally approved program within 180 days of the receipt by the municipal planning board of the petition, the municipal planning board or the landowner may appeal to the Committee to intervene, and the Committee may approve or disapprove the petition. This extension will extend the time for the municipal governing body to act by 90 days.	Extend by 90 days
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-26(c)	The affected statutory provision requires a county board to seek to facilitate the resolution of a dispute within 30 days of receipt of a petition for the board to act as an informal mediator in the event that any person wishes to file a complaint to modify or enjoin an agricultural operation or activity under the belief that the operation or activity violates the provisions of subsection a. of this section. This extension will extend the deadline for action by a county board until 30 days after the last day of the public health emergency.	Extend until 30 days after last day of PHE
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-32.4(c)	The affected statutory provision requires that the Committee shall, within 90 days of receipt, approve, disapprove, or approve with conditions an application submitted for the purposes of subsection a. of this section, concerning the construction, installation, and operation of biomass, solar, and wind energy generation facilities, structures, and equipment on preserved farmland. This extension will extend the time for the Committee to take action on an application by 60 days.	Extend by 60 days

APPENDIX TO EXECUTIVE ORDER NO. 170

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Agriculture, State Agriculture Development Committee	N.J.S.A. 4:1C-39(a)	The affected statutory provision grants the Committee the first right and option to purchase certain land enrolled in a municipally approved program or other farmland preservation program, and provides that if the Committee chooses to exercise the first right and option, the Committee shall give notice of that intent to the landowner within a period of 30 days following the date of receipt of the notice of executed contract of sale, and shall submit its offer to match the terms and conditions of the executed contract of sale to the landowner within the 60 days following the expiration of the 30-day period. This extension will extend each deadline for the Committee to act by 60 days.	Extend by 60 days
Community Affairs, Codes and Enforcement	N.J.S.A. 46:3B-5	The affected statutory provision requires new home builders to renew their registrations every two years. This extension will extend current registrations scheduled to expire by 3 months.	Extend by 3 months
Community Affairs, Fire Safety	N.J.S.A. 52:27D-201(g)	The affected statutory provision requires owners of life hazard use or high-rise structures to pay an annual fee within 30 days of issuance of the invoice. This extension will extend the time by which owners of life hazard use or high-rise structures must pay their annual fee until 30 days after the last day of the public health emergency.	Extend until 30 days after last day of PHE
Community Affairs, Fire Safety	N.J.S.A. 52:27D-206	The affected statutory provision requires persons aggrieved by a ruling, action, order or notice of the commissioner or local enforcement agency to file an appeal within 15 days after receipt of the notice. This extension will extend the time by which business owners must file an appeal until 45 days after receipt of the notice.	Extend 30 days
Community Affairs, Fire Safety	N.J.S.A. 52:27D-25u(a)	The affected statutory provision requires fire protection equipment businesses to file applications for renewal of their certifications at least forty-five days prior to the expiration date. This extension will extend the expiration date of fire protection equipment business certifications until December 31, 2020.	Extend until December 31, 2020
Corrections, State Parole Board	N.J.S.A. 30:4-123.58(c)	The affected statutory provision allows a board panel to suspend any parole release date certified pursuant to section 11 or 13 of the act for a period of not more than 60 days in order to conduct a rescission hearing to determine whether parole release on the original parole release date should be denied or delayed, if information comes to the attention of the board panel which bears upon the likelihood that the inmate will commit a crime but which was not considered pursuant to sections 11, 12, and 13 of the act. This extension will extend by 30 days the period for which a board panel may suspend a parole release date.	Extend by 30 days
Corrections, State Parole Board	N.J.S.A. 30:4-123.62(b)	The affected statutory provision states that a parolee retaken under this section shall within 14 days be granted a preliminary hearing to be conducted by a hearing officer not previously involved in the case, unless the parolee, the hearing officer, or the parole officer requests postponement of the preliminary hearing, which may be granted by the appropriate board panel for good cause, but in no event shall such postponement, if requested by the hearing officer or the parole officer, exceed 14 days. This extension will extend by 16 days the deadline for holding a preliminary hearing in the absence of an extension request.	Extend by 16 days
Corrections, Research and Evaluation Unit	N.J.S.A. 30:4-91.15(c)	The affected statutory provision requires the Commissioner to prepare and disseminate semi-annual reports summarizing recidivism rates, patterns, and other findings and analyses resulting from information gathered by the Commissioner and the Juvenile Justice Commission and the State Parole Board. This extension will extend by 6 months the time by which the Commissioner must complete and transmit the report.	Extend by 6 months
Law & Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission	N.J.S.A. 5:8-37	The affected statutory provision requires an organization, association, church, congregation, society, club, fire company, or first-aid or rescue squad which held, operated or conducted a bingo game, and its members who were in charge thereof, to furnish to the Legalized Games of Chance Control Commission a verified report no later than the fifteenth day of the calendar month immediately following the calendar month in which the game was held, operated or conducted. This extension will extend the deadline for verified reports by 90 days.	Extend by 90 days

APPENDIX TO EXECUTIVE ORDER NO. 170

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Law & Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission	N.J.S.A. 5:8-64	The affected statutory provision requires an organization, association, church, congregation, society, club, fire company, first-aid or rescue squad, or senior citizen association or club which held, operated or conducted a raffle, and its members who were in charge thereof, to furnish to the Legalized Games of Chance Control Commission a verified report no later than the fifteenth day of the calendar month immediately following the calendar month in which the raffle was held, operated or conducted. This extension will extend the deadline for verified reports by 90 days.	Extend by 90 days
Law & Public Safety, Division of Consumer Affairs, Office of Consumer Protection	N.J.S.A. 56:8-96(c)	The affected statutory provision requires local health authorities with jurisdiction over pet shops to review any reports concerning the sickness or death of animals purchased from pet shops and make recommendations by May 1 to the municipality for the revocation of the pet shops' licenses. This extension will extend the May 1, 2020 deadline until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of Consumer Affairs, Office of Weights and Measures	N.J.S.A. 51:1-121	The affected statutory provision states that licenses and registrations for repairpersons of weighing and measuring devices shall be issued for a term of one year from the date of issue and shall be renewable upon their expiration. This extension will extend the expiration date of expiring licenses and registrations until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of Consumer Affairs, Office of Weights and Measures	N.J.S.A. 51:1-74	The affected statutory provision states that all appointments of public weighmasters and certified weighers shall last for a term of three years. This extension will extend the expiration date of expiring licenses until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of Consumer Affairs, Regulated Business Section	N.J.S.A. 34:8-45.1(c)	The affected statutory provision states that a health care service firm shall obtain within 12 months of registration accreditation from an accrediting body that is recognized by the Commissioner as an accrediting body for homemaker agencies participating in the Medicaid program, as set forth at N.J.A.C.10:60-1.2. This extension will extend the time for a health care service firm to obtain accreditation until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of Criminal Justice	P.L. 2019, c.304	The affected statutory provision establishes asset forfeiture reporting and transparency requirements. This extension will extend the effective date of the affected statutory provision until 3 months after the last day of the public health emergency.	Extend until 3 months after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. App.A:9-40.1	The affected statutory provision requires municipal emergency management coordinators to complete the approved course of study and the Emergency Management Workshop within one year of appointment. Further training for municipal emergency management coordinators is described in NJOEM Directive 102, which requires 24 hours of continuing education to be completed each year thereafter. This extension will extend by 6 months the time within which municipal emergency management coordinators must complete the approved course of study and the Emergency Management Workshop.	Extend by 6 months
Law & Public Safety, Division of State Police	N.J.S.A. App.A:9-42.1	The affected statutory provision directs each county to appoint a county emergency management coordinator for a term of three years. This extension will extend the term of county emergency management coordinators by 6 months.	Extend by 6 months
Law & Public Safety, Division of State Police	N.J.S.A. App.A:9-43.4	The affected statutory provision requires the State Office of Emergency Management to approve, conditionally approve, or disapprove each county and municipal emergency operations plan within 60 days of receipt of the plan or else it shall be considered approved. This extension will extend by 30 days the time by which the State Office of Emergency Management must approve, conditionally approve or disapprove a county or municipal emergency operations plan.	Extend by 30 days
Law & Public Safety, Division on Civil Rights	N.J.S.A. 10:5-14	The affected statutory provision requires the Division on Civil Rights to conduct conciliation efforts within forty-five days of a finding of probable cause by the Director. This extension will extend by 90 days the time within which the Division must engage in conciliation efforts.	Extend by 90 days
Law & Public Safety, Division on Civil Rights	N.J.S.A. 10:5-18	The affected statutory provision requires aggrieved parties to file complaints with the Division on Civil Rights or a municipal office alleging a violation of the Law Against Discrimination within 180 days of the alleged act of discrimination. This extension will extend the time by which individuals must file complaints alleging acts of discrimination until 30 days after the last day of the public health emergency.	Extend until 30 days after last day of PHE

APPENDIX TO EXECUTIVE ORDER NO. 170

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Law & Public Safety, Juvenile Justice Commission	N.J.S.A. 30:4-123.53a	The affected statutory provision requires that the Juvenile Justice Commission provide written notice to the county prosecutor at least 30 days prior to the anticipated release of youth adjudicated delinquent of certain serious crimes. This extension will extend the deadline for providing such notice by 15 days, so that notice must be provided at least 15 days prior to the anticipated release.	Extend by 15 days
Law & Public Safety, Victims of Crime Compensation Office	N.J.S.A. 52:4B-18	The affected statutory provision requires the Victims of Crime Compensation Office to make its determination regarding an application for compensation for criminal injuries within six months of acknowledgement of receipt of a completed application and any and all necessary supplemental information. This extension will extend by 60 days the time within which the Office must make its determination.	Extend by 60 days
Law & Public Safety, Victims of Crime Compensation Office	N.J.S.A. 52:4B-18	The affected statutory provision states that no order for the payment of compensation for a personal injury or death may be made under N.J.S.A. 42:4B-10 unless the personal injury or death was the result of an offense which was reported to the police or other appropriate law enforcement agency within 9 months after its occurrence or reasonable discovery. This extension will extend the time within which an offense must be reported to the police or other appropriate law enforcement agency, to establish eligibility for payment of compensation, until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Motor Vehicle Commission	N.J.S.A. 39:10-11(A)	The affected statutory provision requires that any purchaser of a motor vehicle in this State, other than a dealer licensed pursuant to the provisions of R.S. 39:10-19, shall, within 10 working days after its purchase, submit to the director evidence of the purchase. This extension will extend the deadline for submitting evidence of a purchase to the director until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Motor Vehicle Commission	N.J.S.A. 39:4-206	The affected statutory provision states that vehicle identification placards issued in conjunction with a person with a disability identification card shall be valid until the last day of the 36th calendar month following the calendar month in which the placard was issued, and that placards issued following the date on which the chief administrator issued the applicant a person with a disability identification card shall be valid up until the date on which the person with a disability identification card is invalid. This extension will extend the time by which individuals must apply for renewed placards until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Transportation, Transportation Trust Fund Authority	N.J.S.A. 27:1B-22(d)	The affected statutory provision requires the Commissioner to submit a Transportation Trust Fund Authority Financial Plan on or before March 1 of each year. This extension will extend the March 1, 2020 deadline for the financial plan until August 1, 2020.	Extend to August 1, 2020
Treasury, Division of Revenue & Enterprise Services	N.J.S.A. 52:7-11	The affected statutory provision states that notaries public shall hold their respective offices for the term of five years, unless removed at the pleasure of the State Treasurer. This extension would extend expiring terms of office for notaries public until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Treasury, Division of Revenue & Enterprise Services	N.J.S.A. 52:7-14	The affected statutory provision requires each notary public to take and subscribe an oath before the clerk of the county in which the notary public resides within 3 months of the receipt of the notary public's commission. This extension will extend the time period to take and subscribe the oath to 90 days after the end of the Public Health Emergency.	Extend until 90 days after last day of PHE
Treasury, Lottery	N.J.S.A. 5:9-17	The affected statutory provision states that prize money for the prize on a winning ticket or share must be claimed by the person entitled thereto within 1 year after the drawing in which the prize was won. This extension will extend the time by which persons must claim prize money by 30 days.	Extend by 30 days

APPENDIX TO EXECUTIVE ORDER NO. 170

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Treasury, Property Management & Construction	N.J.S.A. 52:34-9.3	The affected statutory provision states that a professional firm which wishes to be considered qualified to provide professional architectural, engineering, or land surveying services to an agency seeking to negotiate a contract or agreement for the performance of such services shall file or shall have filed with the agency a current statement of qualifications and supporting data, and that for purposes of N.J.S.A. 52:34-9.3 and -9.5, no statement which shall have been filed more than two years prior to the publication of an advertisement pursuant to the provisions of N.J.S.A. 52:34-9.4 shall be deemed to be a current statement with respect to qualification of the firm which shall have filed the statement to provide professional architectural, engineering, or land surveying services under any contract or agreement of which notice is given through that advertisement. This extension will extend the period for which such a statement is deemed to be a current statement by 90 days.	Extend by 90 days
Treasury, Property Management & Construction	N.J.S.A. 52:35-8	The affected statutory provision states that no person shall be qualified to bid on any contract who shall not have submitted a statement as required by N.J.S.A. 52:35-2 within a period of 24 months preceding the date of opening of bids for such contract. This extension will extend by 90 days the period for which a person may be deemed qualified after having submitted the required statement.	Extend by 90 days
Treasury, Taxation	N.J.S.A. 54:32B-20	The affected statutory provision allows for refunds or credits of any sales tax, penalty, or interest erroneously, illegally or unconstitutionally collected or paid if application to the director for such refund is made within four years from the payment thereof. This extension will extend the time for applying for a refund until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Treasury, Taxation	N.J.S.A. 54:49-14	The affected statutory provision requires that a taxpayer file a claim under oath for refund of certain taxes within 4 years after the date of payment, other than paid audit assessments. This extension will extend the time for filing a claim for a refund until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Treasury, Taxation	N.J.S.A. 54A:9-8	The affected statutory provision requires that a claim for credit or refund of an overpayment of gross income tax be filed by the taxpayer within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed, within 2 years from the time the tax was paid. This extension will extend the time for filing a claim for a refund until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE

EXECUTIVE ORDER NO. 171

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

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, 135-138, 140-166, and 168-170 (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, unless renewed for an additional 30 days through a declaration of the Governor; and

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

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

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

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

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

WHEREAS, since the Public Health Emergency was renewed on July 2, 2020, at which time there were over 171,000 positive cases of COVID-19 in New Jersey, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, as of July 31, 2020, according to the World Health Organization, there were over 17,106,000 confirmed cases of COVID-19 worldwide, with over 668,000 of those cases having resulted in death; and

WHEREAS, as of July 31, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 4,473,000 confirmed cases of COVID-19 in the United States, with over 151,000 of those cases having resulted in death; and

WHEREAS, as of July 31, 2020, there were over 181,000 positive cases of COVID-19 in New Jersey, with at least 13,944 of those cases having resulted in death; and

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

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

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

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

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

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

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

WHEREAS, the renewal of the declaration of the ongoing public health emergency is also necessary to ensure that the State can swiftly respond to take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey increase once more, as we are now seeing in numerous states across the country; and

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

WHEREAS, the facts as set forth above and 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 confirm that there exists a public health emergency in the State; and

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

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

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

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

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

commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. This Order shall take effect immediately.

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

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 172

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

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, and 171, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; 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, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq., and the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166 (2020), and Nos. 168-171 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, pursuant to N.J.S.A. 52:14-17.26, N.J.S.A. 52:14-17.31, N.J.A.C. 17:9-2.6 (for State employees and dependents), and N.J.A.C. 17:9-2.7 (for local government employees and dependents), there is a waiting period before a new hire becomes eligible for participation in the State Health Benefits Program ("SHBP"); and

WHEREAS, on April 6, 2020, through Executive Order No. 115, the facts and circumstances of which are adopted by reference herein, I recognized that new employees hired by State departments, agencies, boards, commissions and independent authorities and local municipal and county governments in response to the COVID-19 pandemic will need and desire to have health insurance coverage under the SHBP immediately upon hire, and cannot feasibly complete the 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, workers are commencing employment in, and certain workers are returning from furloughs or other circumstances in which they did not retain health benefits through SHBP or maintain health benefits through COBRA to, positions that allow the workers to participate in the SHBP ("New or Returning Employees"), but these workers are not necessarily hired specifically to respond to the COVID-19 pandemic as required to enroll immediately upon hiring in the SHBP pursuant to Executive Order No. 115 (2020); and

WHEREAS, the statutory scheme described herein could result in new employees not having access to health benefits during a pandemic, when seamless access to health care, including preventive services as well as care relating to COVID-19, is of the utmost importance, and the State needs these employees to promptly seek and receive medical services related to COVID-19; and

WHEREAS, the employment of skilled professionals is essential to the State's response to the COVID-19 pandemic and the lack of health benefits coverage for newly hired personnel may serve as a deterrent to attracting and hiring staff with the necessary skills to respond to the pandemic; and

WHEREAS, when employees are hired to work in positions that increase their risk of exposure to COVID-19, there is a compelling reason to ensure that such employees have immediate access to health benefits coverage; and

WHEREAS, a healthy workforce decreases absenteeism, reduces long-term employer costs, increases worker morale, and improves talent acquisition and retention; and

WHEREAS, comprehensive health benefits coverage commencing immediately upon employment will foster a healthy workforce, particularly during an emergency when a pandemic poses health risks for all residents and when the State must be able to rely on stability in its workforce; 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 Public Health Emergency, any New or Returning Employee who is hired on or after the date of issuance of Executive Order No. 103 (2020) may immediately enroll in the SHBP.

2. The requirement of Paragraph 5 of Executive Order No. 115 (2020) mandating that a person must be hired for the purpose of responding to the COVID-19 pandemic in order to be eligible to enroll immediately upon hiring in the SHBP is hereby superseded.

3. 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, N.J.A.C. 17:9-2.6 (for State employees and dependents), and N.J.A.C. 17:9-2.7 (for local government employees and dependents), requiring

a waiting period to become eligible for participation in the SHBP, are suspended for the duration of this Public Health Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order shall remain in full force and effect.

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 in all matters concerning this Order, and to cooperate fully with Administrative Orders issued pursuant to this 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 the Department of Health as appropriate.

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

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 173

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

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, and 171, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

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

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-166, and 168-172 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and 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) to order steps to mitigate community spread of COVID-19, including to cancel all gatherings in the State; and

WHEREAS, given the previous decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, the State has taken steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even when the rate of reported new cases of COVID-19 is decreasing, the ongoing risks presented by COVID-19 mean that many protective measures must remain in place, both to reduce additional new infections and to save lives; and

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

WHEREAS, the State is in the second phase of the reopening process and has relaxed a number of restrictions on activities where appropriately safeguarded; and

WHEREAS, the CDC has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, and other potentially super-spreading events, recognizing that gatherings can significantly contribute

to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the State and region, meaning that as the spread of COVID-19 decreases or increases in a State, the State can both reduce and raise again its limits on indoor and outdoor gatherings; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that restrictions on gatherings can be lifted altogether, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase, and indeed COVID-19 has been spreading again in other regions of the country that did not adopt similar measures, or that lifted such measures more abruptly; and

WHEREAS, the restrictions on indoor gatherings that remain in place may be more stringent than the restrictions that are in place for indoor retail settings, because in such retail settings individuals neither congregate in large groups nor remain in close proximity for extended periods, which are factors that have been linked to the increased risk of COVID-19 transmission; and

WHEREAS, consistent with the above principles, I signed a series of Executive Orders gradually lifting restrictions on both outdoor and indoor gatherings and allowing a greater number of individuals at outdoor gatherings, given the reduced risk of COVID-19 transmission outdoors; and

WHEREAS, the most recent of these Orders was Executive Order No. 161 (2020), which raised the limit on outdoor gatherings to 500 persons, with exceptions for religious services or political activities, such as protests, while leaving the limit on the number of persons at indoor gatherings at 25% of the capacity of the room in which it takes place, and stating that such limit, regardless of the capacity of the room, shall never allow a gathering to be larger than 100 persons or require the gathering to be smaller than 10 persons; and

WHEREAS, at least one cluster of COVID-19 has been traced back to a house party in Middletown, consistent with the role indoor gatherings have played in leading to further spikes of COVID-19 in other states and countries; and

WHEREAS, public health experts have advised that outdoor environments present reduced risks of transmission as compared to indoor environments; and

WHEREAS, the rate of transmission has increased over the last two weeks, and over the last two weeks, the seven-day rolling average of the number of cases has increased from between 200 and 300 each day to between 400 and 500 each day; and

WHEREAS, the combination of evidence tracing clusters of COVID-19 to indoor gatherings and the overall statewide increase in the rate of transmission means that it is appropriate to reduce the limits on indoor gatherings at the current time, while making no change to the higher limit for outdoor gatherings; and

WHEREAS, as I noted when issuing Executive Order No. 152 (2020), certain gatherings, including religious services and political activity, are particularly important to the functioning of the State and society, and restrictions on these gatherings can

be relaxed to a greater extent than restrictions on other gatherings, as other states have repeatedly recognized; and

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

WHEREAS, a number of other states have treated wedding ceremonies, funerals, and memorial services similarly to religious gatherings, subjecting them to similar capacity limits for the very reasons described above; and

WHEREAS, indoor wedding ceremonies and memorial services may have been planned under the current capacity limits, and often with social distancing protocols set up well in advance, and suddenly changing the applicable limits for these events would be highly disruptive; and

WHEREAS, events such as wedding ceremonies, funerals, and memorial services typically include a defined list of attendees, which makes it easier for contact tracing to occur; and

WHEREAS, the informal nature of house parties also makes it especially hard to engage in contact tracing, as well as to monitor and to enforce the requirements to wear masks and engage in social distancing, which stands in sharp contrast to wedding ceremonies, funerals, and memorial services; and

WHEREAS, reducing the limits on indoor gatherings other than religious services or celebrations, political activities, wedding ceremonies, funerals, and memorial services from a maximum of 100 persons to a maximum of 25 persons will both help reduce the spread

of COVID-19 and reduce the burden on our contact tracing program;
and

WHEREAS, all indoor gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing; 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 1 of Executive Order No. 156 (2020) is hereby rescinded and the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 25 persons or smaller than 10 persons. The number of individuals at indoor gatherings that are religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 100 persons or smaller than 10 persons. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room".

2. While the numerical limits on indoor gatherings in Paragraph 1(a) of Executive Order No. 152 (2020) are hereby superseded, all other requirements for indoor gatherings contained in Paragraph 1 of Executive Order No. 152 (2020) shall remain in effect.

3. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the limits on gatherings in Executive Order Nos. 107, 142, 148, 152, 156, and/or 161 (2020) are hereby amended to reflect the rules on gatherings stated in this Order. Legislative proceedings of state, county, or local government are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.

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

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

6. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

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

8. This Order shall take effect at 6:00 a.m. on Tuesday, August 4, 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
3rd day of August,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

EXECUTIVE ORDER NO. 174

WHEREAS, the National Weather Service is forecasting that Hurricane Isaias will impact New Jersey beginning early on August 4, 2020, bringing the potential for severe weather conditions including hurricane force winds and heavy and sustained rainfall of up to 4 to 6 inches; and

WHEREAS, these severe weather conditions may cause downed trees and power lines, tornado activity, stream and river flooding, and possible coastal flooding with storm surge of 1 to 3 feet; and

WHEREAS, these impending weather conditions may endanger lives, threaten residences and other structures, jeopardize public and private property, cause power outages, disrupt transportation and the flow of traffic in New Jersey, and impede the normal operation of public and private entities; and

WHEREAS, these severe weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, this situation constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State; and

WHEREAS, the State is still contending with the ongoing impacts of the Coronavirus disease 2019 pandemic, which has already strained State and local resources; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, 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 State of Emergency exists throughout the State of New Jersey effective at 5:00 a.m. on August 4, 2020; and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, 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.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting 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, or any access road, including the right to detour, reroute, or divert any or all traffic, and 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 or jurisdictions.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency, governmental, or essential 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.

5. I authorize and empower the State Director of Emergency Management to utilize all 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.

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, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any

such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. 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.

8. In accordance with N.J.S.A. App. A:9-34 and -51, as supplemented and amended, 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.

9. 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.

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 with the State Director

of Emergency Management in all matters concerning this State of Emergency.

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

12. This Order shall take effect at 5:00 a.m. on August 4, 2020, 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
 3rd day of August,
 Two Thousand and Twenty, and
 of the Independence of the
 United States, the Two
 Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor