STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY STATE POLICE
OFFICE OF EMERGENCY MANAGEMENT
ADMINISTRATIVE ORDER NO. 2020-20

HORSE RACING

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

WHEREAS, 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, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein, which established social mitigation strategies for combating COVID-19; and

WHEREAS, through Executive Order Nos. 119, 138, 151, and 162 (2020), issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, and August 27, 2020, respectively, the facts and circumstances of which are adopted by reference herein, the Governor 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, pursuant to paragraph 9 of Executive Order No. 107 (2020), the Governor ordered closed to the public all recreational and entertainment businesses, including racetracks and stabling facilities, but also granted the State Director of Emergency Management, who is the Superintendent of the State Police, the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the list of those businesses; and

WHEREAS, Executive Order No. 161 (2020), issued on July 2, 2020, increased the limit imposed in prior Executive Orders for outdoor gatherings to 500 persons; and

WHEREAS, on May 29, 2020, through Administrative Order 2020-14, racetracks were permitted to conduct racing activities and stabling activities in accordance with the provisions of that Order, which among other things continued the requirement that racetracks and stabling facilities be closed to the public; and

WHEREAS, on June 3, 2020, through Executive Order No. 150 (2020), the Governor authorized the resumption of outdoor dining subject the provisions imposed by that Order and guidelines issued by the New Jersey Department of Health (DOH); and

WHEREAS, on June 29, 2020, through Executive Order No. 158 (2020), the Governor announced the continued prohibition against indoor dining, and further ordered that recreational and entertainment businesses authorized to open their indoor premises to the public may only do so where it prohibits the consumption of food or beverages and smoking in those indoor premises; and

WHEREAS, on June 26, 2020, through Executive Order No. 157 (2020), the Governor authorized the reopening of recreational entertainment businesses, both indoor and outdoor, including allowing racetracks to open to the public, as of 6:00 a.m. on July 2, 2020, subject to the requirements contained in that Order and any and all additional requirements imposed by the New Jersey Racing Commission (NJRC) and the New Jersey Office of Emergency Management; and

WHEREAS, on July 2, 2020, through Administrative Order 2020-17, racetracks were permitted to allow outdoor dining, but were still prohibited from allowing indoor dining; and

WHEREAS, on September 1, 2020, through Executive Order No. 183 (2020), the Governor authorized the reopening of indoor dining on September 4, 2020 in accordance with the provisions set forth therein, including but not limited to outlining applicable capacity limits; and

WHEREAS, Executive Order No. 183 (2020) also revised the limits imposed in prior Executive Orders for indoor gatherings; and

WHEREAS, although the NJRC regulates the operation of racetracks, including those at Monmouth Park and the Meadowlands Racetrack, NJRC does not oversee the wagering operations at the sports wagering lounges at those locations, and which are instead regulated by the New Jersey Division of Gaming Enforcement (DGE);

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

1. Effective immediately, paragraphs 2 and 3 of Administrative Order 2020-17 are rescinded in their entirety.

2. Effective immediately, restaurants on racetrack premises and within sports wagering lounges are permitted to offer outdoor and indoor dining in accordance with the provisions of Executive Order No. 150 (2020) and Executive Order No. 183 (2020), respectively, and associated DOH guidance.

3. Racetrack premises shall abide by the State gathering limits for indoor and outdoor gatherings then in effect, which were most recently laid out in Executive Orders No. 161 and 183 (2020). Racetrack premises shall be subject to the gatherings limits as follows:

a. Restaurants that offered table service prior to this Public Health Emergency and that permit outdoor dining shall limit their outdoor capacity to 100% of the restaurant's combined indoor and outdoor capacity prior to the expansion of outdoor capacity during this Public Health Emergency. Restaurants that permit indoor dining shall limit their capacity according to the provisions included in Paragraph 1 of Executive Order No. 183 (2020).

b. Sports wagering lounges must abide by the provisions of Paragraph 7 of Executive Order No. 157 (2020) and any applicable requirements imposed by DGE. Restaurants located within sports wagering lounges may offer outdoor dining in accordance with Paragraph 3(a), expect that the restaurant's outdoor dining capacity shall be equal to the indoor capacity of the sports wagering lounge. Restaurants located within sports wagering lounges that permit indoor dining shall limit their capacity according to the provisions included in Paragraph 1 of Executive Order No. 183 (2020).

c. Other than individuals dining at restaurants pursuant to Paragraph 3(a) or 3(b) or those within a sports wagering lounge pursuant to Paragraph 3(b), all individuals granted admission to the racetrack facility shall count towards the State gathering limits for outdoor gatherings. Racetrack permit holders shall make best efforts to ensure that individuals admitted to the racetrack facility under Paragraph 3(c) do not congregate in the indoor areas of the premises and instead remain in the grandstand and other outdoor areas.

4. Racetrack permit holders must update their reopening protocols as originally required under Paragraph 2 of Administrative Order No. 2020-14 and supplemented by Paragraph 2 of Administrative Order No. 2020-17 to comply with this Order and the provisions of Executive Order No. 183 (2020). The reopening protocols shall be made available by request to the NJRC Executive Director, or designee.

5. The NJRC Executive Director, or designee, shall have the authority to inspect for implementation by the racetrack permit holders the reopening protocols required under Administrative Order No. 2020-14, Administrative Order No. 2020-17, and this Order.

6. Racetrack permit holders are responsible for carrying out the requirements contained in this Order, which supplement the requirements in Administrative Order No. 2020-14 and Administrative Order No. 2020-17. Any racetrack permit holder that does not adhere to the either of these requirements may be subject to regulatory action through the NJRC's authority to oversee horseracing operations and ensure the safety of its participants.

7. Any prior requirements imposed in Administrative Order No. 2020-14 or Administrative Order No. 2020-17 that are inconsistent with the terms of this Order are hereby superseded.

8. This Order shall take effect immediately, and shall remain in effect for as long as Executive Order No. 183 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

September 5, 2020

Colonel Patrick J. Callahan
State Director of Emergency Management