EXECUTIVE ORDER NO. 204

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

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, and 200, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, and November 22, 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, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, and No. 203 (2020), the facts and circumstances of which are all adopted by reference herein; 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, 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 DOH to issue health and safety standards regarding sporting activities before June 22, 2020; and

WHEREAS, on June 15, 2020, the Commissioner of DOH issued Guidance for Sports Activities ("Guidance") that stated that practices and competitions for Low Risk sports, as well as no-contact practices for Medium and High 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

WHEREAS, Medium and High Risk sports were subsequently permitted to resume in outdoor and indoor settings with strict limitations on contact activities indoors; and

WHEREAS, on October 12, 2020, I issued Executive Order No. 187, which permitted contact practices and competitions for both Medium Risk and High Risk sports to resume in indoor settings, so that all sports activities were permitted to operate in indoor and outdoor settings subject to DOH guidance; and

WHEREAS, in light of outbreaks associated with youth sports teams in New Jersey that had participated in interstate games, I issued Executive Order No. 194 (2020), which prohibited indoor interstate youth sports competitions; and

WHEREAS, the number of confirmed cases of COVID-19 continues to increase dramatically, demonstrating more significant community spread; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and DOH have maintained that congregation of individuals, particularly in indoor environments, is a contributing factor in the spread of COVID-19; and

WHEREAS, the institution of mitigation protocols limiting certain high-risk activities is necessary to combat the spread of the virus and lessen the need for more comprehensive restrictions; and

WHEREAS, the progress we made earlier this year demonstrates the effectiveness of such protocols, particularly those that prevented individuals from congregating indoors and encouraged avoidance of close contact in indoor settings, where the virus is more readily transmitted; and

WHEREAS, in the past nine months, we have gained critical knowledge in our experience with COVID-19, including a better understanding of the risks associated with certain activities and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, allows us to permit certain activities to continue while others are subject to restrictions; and

WHEREAS, the CDC has advised that there is risk associated with any indoor sports activity, including practices, and particularly with full competitions between teams, with the highest risk associated with competitions between teams from different states; and

WHEREAS, the risks associated with such activities extend beyond the practice or competition itself, as individuals participating in sports activities tend to congregate on benches, sidelines, in locker

rooms, and other similar settings that are not amenable to social distancing; and

WHEREAS, the restart of other similar indoor activities, such as exercise classes at gyms, have not been linked to any significant confirmed outbreaks; and

WHEREAS, since the reopening of indoor youth sports practices and competitions, there have been numerous confirmed outbreaks amongst teams in New Jersey that are believed to be associated with participation in sports activities, including non-contact sports activities such as swimming and gymnastics, with additional investigations pending; and

WHEREAS, the CDC has noted that the incubation period for the virus is approximately 14 days, so that a month-long pause will capture data over two incubation periods; and

WHEREAS, college and university athletic programs and professional athletic teams, leagues, and organizations, are readily able to establish comprehensive protocols for the athletes participating within their programs, including by placing limitations on outside activities, subjecting participants to regular testing, and requiring athletes to reside in a specified location; and

WHEREAS, though high school teams are also typically subject to strict health and safety protocols by schools and overseeing organizations, so that they have previously been treated similarly to collegiate and professional sports in outdoor settings, it is still appropriate to restrict activities indoors where the risk of spread is heightened; and

WHEREAS, Executive Order No. 196, issued November 16, 2020, lowered the outdoor gathering limit from 500 to 150 persons; and

WHEREAS, while there is generally less risk associated with outdoor gatherings, it is appropriate to reduce the outdoor gatherings limit in our State to no more than 25 people to prevent increased

transmission through super-spreading events and large community gatherings; and

WHEREAS, individuals organizing and participating in outdoor gatherings must continue to utilize protective measures, including use of masks and social distancing; and

WHEREAS, addiction group counseling services are a critical social and mental health service that necessitate robust group participation, particularly during the pandemic, which has heightened feelings of stress and social isolation, and thus can exceed the general indoor gathering limit while following health and safety protocols; 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 organized, group, and/or competitive sports defined as "Low Risk", "Medium Risk", and "High Risk" by DOH's "Guidance for Sports Activities" are prohibited in indoor settings. Executive Order Nos. 168 and 187 (2020) are hereby superseded to the extent inconsistent with this paragraph.

2. It is hereby restated that Executive Order No. 194 (2020) prohibits facilities within the State from hosting indoor youth sports competitions between two or more out-of-state teams, regardless of whether a New Jersey team is participating in the competition.

3. Paragraphs 1 and 2 of this Order shall not apply to collegiate and professional sports activities, which are permitted to continue operations subject to compliance 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.

4. Paragraphs 7 - 10 of Executive Order No. 196 (2020) are hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 25 persons or fewer. All other requirements for outdoor gatherings contained in Paragraph 1 of Executive Order No. 161 (2020), including the requirements of Paragraph 2 of Executive Order No. 152 (2020) incorporated by reference therein, shall remain in effect. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, or memorial service is not required to comply with the numerical limit on persons.

5. Professional and collegiate athletic competitions that are conducted outdoors are subject to the outdoor gathering limit of 25 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the competitive professional or collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply.

6. All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors are subject to the current outdoor gathering limit of 25 persons. However, if the number of individuals who are necessary for a practice or competition, such as players, coaches, and referees, is greater than 25 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition, such

as spectators. Paragraph 10 of Executive Order No. 196 (2020) is hereby rescinded.

7. It is hereby clarified that the number of individuals at an indoor gathering that involves an Alcoholics Anonymous meeting, Narcotics Anonymous meeting, or similar meeting of an addiction support group shall be limited to 25 percent of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 150 persons or smaller than 10 persons.

8. 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.

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. 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.

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

12. Paragraph 1 of this Order shall take effect at 6:00 a.m. on Saturday, December 5, 2020, and shall terminate on January 2, 2021, unless otherwise revoked or modified by the Governor. Paragraphs 2 and 7 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. Paragraphs 4 - 6 shall take effect at 6:00 a.m. on Monday, December 7, 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 30th day of November, 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/ Parimal Garg

Chief Counsel to the Governor