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