EXECUTIVE ORDER NO. 141

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, the Public Health Emergency declared in Executive Order No. 103 (2020) has been twice extended, through Executive Order No. 119 (2020), which I signed on April 7, 2020, and through Executive Order No. 138 (2020), which I signed on May 6, 2020, and continues to exist today; 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, Executive Order Nos. 135-138, and Executive Order No. 140 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, the Commissioner of Health ("Commissioner") is authorized by N.J.S.A. 26:13-12 to take all reasonable and necessary measures to prevent the transmission of infectious disease; and

WHEREAS, during a declaration of a Public Health Emergency, the Department of Health is responsible for overseeing the uniform prevention of the spread of disease in accordance with N.J.S.A. 26:4-2; and

WHEREAS, the Commissioner has the authority to coordinate the activities of all local health agencies with regard to public health protection related to preparing for and responding to public health emergencies, in accordance with N.J.S.A. 26:13-21; and

WHEREAS, contact tracing is a critical disease control measure that has been employed by local, county, regional and State health department personnel for decades; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has emphasized that contact tracing is a key strategy, together with testing, social distancing, quarantining, and treatment, for preventing further spread of COVID-19 and reopening the economy; and

WHEREAS, effective contact tracing requires engaging individuals with specialized training and access to social and medical support for patients and contacts; and

WHEREAS, New Jersey must scale up and train a case investigation and contact tracer workforce to stop the continued transmission of COVID-19, which will in turn require significant coordination between the State and local health departments; and

WHEREAS, county, regional, and local health departments play a critical role in performing case investigation and contact tracing functions; and

WHEREAS, as per the CDC, case investigation, contact tracing, and contact follow-up and monitoring must be linked with testing, clinical services, and timely, comprehensive and accurate reporting of data to facilitate immediate electronic transmission of laboratory and case data for public health action; and

WHEREAS, in scaling a statewide, data-driven contact tracing initiative to meet critical need, use of a single centralized contact tracing platform to track patients and their contacts will ensure that the State's overall effort is operationally efficient; and

WHEREAS, robust and consistent contact tracing state-wide is critical to both New Jersey's current COVID-19 response and to long-term efforts to combat the virus and re-open the economy; 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. and N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

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

1. The Commissioner shall take all necessary and appropriate actions within her authority to ensure an effective statewide contact tracing system, including to establish a secure centralized contact tracing platform within the State, to issue operating procedures for tracking and recording cases using the centralized platform, to identify or establish a training curriculum on system operations and contract tracing procedures, and to address staffing needs.

2. In exercising her authority to establish an effective statewide contact tracing system, the Commissioner shall consider how best to ensure that the secure centralized contact tracing platform connects to the existing Communicable Disease Reporting and Surveillance System operated by the Department of Health.

3. In exercising her authority to establish an effective statewide contact tracing system, the Commissioner shall consider how best to ensure that the operating procedures for tracking and recording cases using the centralized platform include, at minimum, standards for maintaining privacy and safe handling of personally identifiable information by contact tracers, and for review of positive cases within specified time frames.

4. In exercising her authority to establish an effective statewide contact tracing system, the Commissioner shall consider how best to ensure that the training curriculum on system operations and contact tracing procedures include, at minimum, training regarding:

a. Technology operations;

b. Security and privacy issues;

c. Case/contact investigations; and

d. Social assistance supports.

5. All State, county, regional, and local health departments performing COVID-19 contact tracing shall adhere to the Commissioner's orders relating to the statewide contact tracing system, including using the secure centralized contact tracing platform, complying with all operating procedures, and ensuring all individuals performing contact tracing participate in the training program, under any conditions and on any timelines that the Commissioner establishes.

6. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this 12th day of May, 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