EXECUTIVE ORDER NO. 230

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, 200, 210, and 215, 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, November 22, 2020, December 21, 2020, January 19, 2021, and February 17, 2021, 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 has continued to spread across New Jersey, I have 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, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223,

No. 225, and Nos. 228-229 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to 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, 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, because of the progress we had 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, while Executive Order No. 157 (2020) announced the limited resumption of indoor dining, this step was put on hold in Executive Order No. 158 (2020), in light of COVID-19 spikes in states around the nation which state officials and other experts had attributed, at least in part, to activities in indoor food and beverage establishments; and

WHEREAS, indoor dining was permitted to resume on September 4, 2020, pursuant to Executive Order No. 183, with strict health and safety protocols in place, including limiting the number

of patrons to 25 percent of the establishment's stated maximum capacity; and

WHEREAS, Executive Order No. 157 (2020) permitted certain recreation and entertainment businesses to open their indoor premises subject to their compliance with specified health and safety protocols, including the same 25 percent capacity limitation; and

WHEREAS, Executive Order No. 157 (2020) permitted casinos and racetracks to resume operations conditioned on their compliance with requirements imposed by the Division of Gaming Enforcement and New Jersey Racing Commission; and

WHEREAS, Executive Order No. 181, issued August 27, 2020, permitted gyms, fitness centers, and health clubs to open their indoor spaces to the public at 25 percent of the facility's stated maximum capacity; and

WHEREAS, personal care service facilities were permitted to reopen their premises to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020); and

WHEREAS, Executive Order No. 194 (2020) clarified that premises of indoor facilities providing personal care services are limited to 25 percent of the stated maximum capacity; and

WHEREAS, the current gatherings limits are set at 10 individuals indoors and 25 individuals outdoors; and

WHEREAS, Executive Order No. 196, issued November 16, 2020, declared that athletic practices and competitions, including professional and collegiate events, conducted indoors were subject to the indoor gathering limit of 10 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event, though still at

levels no greater than 25 percent of the room's capacity or 150 persons, whichever is lower; and

WHEREAS, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for religious services to no greater than 35 percent of the room's capacity, but maintained the overall cap of 150 persons in place since September of 2020; and

WHEREAS, Executive Order No. 219 (2021) also increased the indoor limit for sporting events to no greater than 35 percent of the room's capacity, up to a maximum of 150 persons, where the event is limited to necessary persons; and

WHEREAS, that Order further increased indoor capacity limits for numerous businesses, including the indoor premises of food and beverage establishments, to 35 percent; and

WHEREAS, Executive Order No. 225 (2021) then increased the indoor capacity limit for gatherings that are religious services or celebrations to 50 percent of the capacity of the room in which they take place; and

WHEREAS, Executive Order No. 204 (2020) stated that outdoor athletic practices and competitions were subject to the outdoor gathering limit of 25 persons, but permitted those events to exceed the gathering limits so long as no individuals were present who were not necessary for the event; and

WHEREAS, Executive Order No. 222 (2021) explicitly permitted a limited number of parents and guardians to attend indoor and outdoor non-collegiate, non-professional sporting events; and

WHEREAS, Executive Order No. 225 (2021) subsequently clarified that a limited number of parents and guardians could also attend collegiate sporting events; and

WHEREAS, that Order also permitted certain larger venues, including sporting venues, to host events at 10 percent capacity indoors and 15 percent capacity outdoors; and

WHEREAS, in the past twelve months, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, 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, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the number of hospitalized patients, patients in intensive care, and ventilators in use has decreased drastically over the past two months, and has remained stable during the last several weeks; and

WHEREAS, given the decrease in these key statistics, the State can take cautious, incremental steps to lift certain restrictions that were designed to limit person-to-person contact, including the indoor and outdoor gatherings limits and capacity restrictions on businesses; and

WHEREAS, certain gatherings, including religious services and political activity, are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

WHEREAS, courts both in New Jersey and across the nation have also recognized the propriety of accommodating religious services during the pandemic; and

WHEREAS, legislative and judicial proceedings are particularly important to the functioning of the State, the latter of which implicates constitutional rights and foundational privileges, and so should also proceed with less restrictive limits; 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 gathering limit while following health and safety protocols; and

WHEREAS, certain events such as wedding ceremonies, funerals, and memorial services, 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 need; and

WHEREAS, the current 35 percent capacity limit on the indoor premises of the above referenced establishments and on the indoor gathering limit for certain activities can safely be raised to 50 percent, as long as face covering and social distancing requirements are strictly observed; and

WHEREAS, 50 percent capacity is a limit that will continue to restrict congregation of large numbers of individuals in indoor settings; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to

inoculate the State's residents and workforce against COVID-19; and

WHEREAS, the State has thus far administered over 2.7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19, and certain educators and child care workers; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take several months; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain mitigation protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

WHEREAS, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing 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: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 1 of Executive Order No. 196 (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 persons. While the numerical limits on indoor gatherings in Paragraph 1 of Executive Order No. 196 (2020) are rescinded, all other requirements for indoor gatherings outlined in Paragraphs 5 and 6 of Executive Order No. 183 (2020), including those provisions that incorporate by reference the requirements of Paragraph 1 of Executive Order No. 152 (2020), shall remain in effect.

2. The number of individuals at indoor gatherings that are political activities, wedding ceremonies, funerals, or memorial services shall be limited to 35 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 25 persons, excluding staff of the gathering venue. For purposes of this Order, any private residence or residential unit shall be treated as a single "room." Paragraph 3 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Legislative proceedings of State, county, or local government, including local Boards of Education, and State and local judicial proceedings are not subject to the capacity limits on gatherings in this or any other applicable Executive Order.

3. The number of individuals at indoor gatherings that are religious services or celebrations, including wedding ceremonies, funerals, and memorial services that involve religious services, shall be limited to 50 percent of the capacity of the room in which it takes place, excluding staff of the gathering venue, but regardless of the capacity of the room, such limit shall never be smaller than 25 persons. Paragraph 1 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

4. 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 35 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 25 persons.

5. The number of individuals at an indoor gathering that is a wedding reception shall be limited to 35 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 smaller than 25 persons or larger than 150 persons, excluding the reception venue’s staff. Paragraph 1 of Executive Order No. 228 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

6. It is hereby restated that entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, that have opened their indoor spaces to the public, must limit the number of patrons in any indoor room where a performance is viewed or given to 35 percent of the stated maximum capacity, if applicable, at one time, but regardless of the capacity of the room, such limit shall never be larger than 150 persons, excluding the entertainment center’s

employees. The other requirements outlined in Paragraph 2 of Executive Order No. 183 (2020) continue to apply. Such indoor entertainment centers may host a performance in an adjacent outdoor area with a maximum capacity equivalent to the facility's indoor capacity permitted under this Paragraph.

7. 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, 152, 156, 161, 173, 183, 196, or 204 (2020), or No. 219 (2021) are amended to reflect the rules on gatherings stated in this Order.

8. Paragraph 4 of Executive Order No. 204 (2020) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 50 persons or fewer. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony, funeral, memorial service, meeting of an addiction support group, legislative proceeding of State, county, or local government, including local Boards of Education, or State or local judicial proceeding is not required to comply with the numerical limit on persons. 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. Paragraph 2 of Executive Order No. 228 (2021) remains in effect.

9. Outdoor entertainment centers where performances are viewed or given, including movie theaters, performing arts centers, and other concert venues, must continue to limit the number of patrons in any outdoor area where a performance is viewed or given to a number that ensures that all individuals can remain six feet apart, but such limit shall never be larger than 150

persons, as previously stated in Paragraph 8 of Executive Order No. 196 (2020).

10. Restaurants, cafeterias, dining establishments, including private, non-profit clubs, 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," that are open to the public shall limit the number of patrons in indoor areas to 50 percent of the food and beverage establishment's indoor capacity, excluding the food or beverage establishment's employees. Paragraph 1 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

11. Personal care services authorized to reopen their indoor facilities to the public pursuant to Paragraph 2 of Executive Order No. 157 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 4 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

12. "Health clubs," as defined by N.J.S.A. 56:8-39, which include gyms and fitness centers, as well as amusement and water parks, authorized to reopen their indoor facilities to the public pursuant to Paragraph 1 of Executive Order No. 181 (2020) shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 5 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

13. Recreational and entertainment businesses that were permitted to reopen their indoor facilities to the public pursuant to Paragraph 7 of Executive Order No. 157 (2020) shall limit

occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the recreational or entertainment business's employees. Paragraph 6 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

14. Casinos, including casino gaming floors and retail sports wagering lounges, that have opened their indoor premises to the public shall limit occupancy of any indoor premises to 50 percent of the stated maximum capacity at one time, excluding the facility's employees. Paragraph 7 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

15. Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 25 persons. Athletes, coaches, referees, and trainers, and other individuals who are necessary for the collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend the event. Such parents and guardians shall also be considered necessary for the practice or competition. The number of individuals present inside a room where an indoor collegiate athletic practice or competition is taking place may not exceed 35 percent of the capacity of the room, and such limit may not exceed 150 persons, except that individuals necessary for the collegiate sporting event may exceed the 150-person limit. In no case shall the number of persons, inclusive of parents and guardians, exceed 35 percent of the capacity of the room. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor

gatherings shall continue to apply. Paragraph 4 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

16. Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 50 persons. Athletes, coaches, referees, trainers, and other individuals who are necessary for the competitive collegiate sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. Operators of such sports activities may permit up to two parents or guardians per athlete participating in the practice or competition to attend. Such parents and guardians shall be considered necessary for the practice or competition. Paragraph 5 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

17. Professional athletic competitions that are conducted indoors are subject to the current indoor 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 number of individuals present inside facilities where indoor professional or collegiate athletic competitions are taking place may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding indoor gatherings shall continue to apply. Paragraph 9 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

18. Professional athletic competitions that are conducted outdoors are subject to an outdoor gathering limit of 50 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. Paragraph 5 and Executive Order No. 204 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

19. All non-collegiate and non-professional athletic practices and competitions that are conducted indoors are subject to the current indoor gathering limit, which was most recently set at 25 persons. However, if the number of individuals who are necessary for the practice or competition, such as athletes, 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. Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend the event provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities." Such parents and guardians shall be considered necessary for the practice or competition. The number of individuals present inside facilities where indoor practices or competitions are taking place, inclusive of all necessary individuals, may not exceed 35 percent of the capacity of the room in which it takes place, and such limit may not exceed 150 persons. Paragraph 1 of Executive Order No. 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

20. All non-collegiate and non-professional athletic practices and competitions that are conducted outdoors are subject to the current outdoor gathering limit of 50 persons. However, if the number of individuals who are necessary for the practice or competition, such as athletes, coaches, and referees, is greater than 50 persons, such a practice or competition may proceed, as long as no individuals are present who are not necessary for the practice or competition. Operators of such sports activities may permit up to two parents or guardians per athlete under the age of twenty-one participating in the practice or competition to attend provided all attendees abide by the applicable requirements in the DOH's "Guidance for Sports Activities." Such parents and guardians shall be considered necessary for the practice or competition. Paragraph 2 of Executive Order No. 220 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

21. Paragraph 2 of Executive Order No. 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater.

22. Paragraph 3 of Executive Order No. 225 (2021) shall continue to apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 5,000 persons or greater.

23. 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.

24. 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.

25. 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, except as otherwise provided in Executive Order No. 195 (2020).

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

27. This Order shall take effect at 6:00 a.m. on Friday, March 19, 2021, 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 11th day of March, Two Thousand and Twenty-one, 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