EXECUTIVE ORDER NO. 207

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, the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., outlines the authorities of the Commissioner of the Department of Health ("DOH") to oversee vaccine administration during a public health emergency; 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 EHPA, 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 Nos. 203-204 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, after consultation with officials from the 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, despite these efforts, the number of confirmed cases of COVID-19 continues to increase dramatically due to high levels of community spread, something that cannot be fully mitigated without robust participation in a COVID-19 vaccine program; and

WHEREAS, New Jersey submitted to the Centers for Disease Control and Prevention a required Interim COVID-19 Vaccination Plan (the "Plan") in October 2020; and

WHEREAS, the Plan aims to provide equitable access to all who live, work, and/or are educated in New Jersey; achieve community protection, assuming vaccine effectiveness, availability, and uptake; and build sustainable trust in COVID-19 and other vaccines; and

WHEREAS, the first tranche of COVID-19 vaccines is expected to arrive in New Jersey before the end of the year; and

WHEREAS, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take many months and will require comprehensive and aggressive State efforts to maximize the benefits of vaccination across all communities as quickly as feasible; and

WHEREAS, though many vaccines are currently under development, the first vaccines that are anticipated to arrive in the State would require two doses to be effective, necessitating a mechanism to track individuals who have received the first dose to ensure they also receive the required second dose of the same vaccine type; and

WHEREAS, it is critically important that a sufficient number of residents receive the full course of a COVID-19 vaccine as quickly as supply allows in order to optimize protection against COVID-19; and

WHEREAS, it is also critically important to track the rate of vaccination among the State's population, regardless if the vaccine received is a single dose or multiple dose, to support all virus mitigation efforts now and in the future; and

WHEREAS, the New Jersey Immunization Information System ("NJIIS"), the statewide electronic immunization registry, is an existing means to coordinate and promote disease prevention and control efforts in the State, to track vaccination uptake critical to the COVID-19 response, and ensure that individuals are not inadvertently receiving duplicative vaccines; and

WHEREAS, pursuant to N.J.S.A. 26:4-134, individuals born prior to January 1, 1998, must currently affirmatively opt-in to participate in the registry, whereas children born after January 1, 1998, are automatically enrolled in the registry immediately following birth unless a parent or guardian provides a written request to not participate; and

WHEREAS, pursuant to the same statutory provision, individuals born after January 1, 1998, are afforded the opportunity to opt-out of participation in the registry; and

WHEREAS, pursuant to N.J.A.C. 8:57-3.12(g), adults are permitted to voluntarily enroll in the NJIIS; and

WHEREAS, these opt-in provisions could limit the ability of the DOH to quickly and effectively track individuals who have received a dose of a COVID-19 vaccine; and

WHEREAS, automatic enrollment in the NJIIS for individuals receiving a COVID-19 vaccine will facilitate and track progress relative to New Jersey's vaccination targets; and

WHEREAS, the data collected pursuant to the NJIIS is only used for public health purposes and contains significant privacy protections, including a data firewall, that ensure it is a safe and appropriate mechanism for tracking sensitive information; 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. For no longer than 30 days after the expiration of the Public Health Emergency, all individuals, regardless of age, shall be enrolled in the NJIIS prior to or concurrent with receipt of a COVID-19 vaccination in New Jersey, if the individual is not already participating in NJIIS at the time of the vaccine administration. This enrollment will enable the tracking of COVID-19 vaccines and all other vaccines administered while registered in the NJIIS. After an individual has received a complete course of a COVID-19 vaccination, the individual or the individual's legal guardian may provide a written request to withdraw from the registry. Beginning 30 days after the Public Health Emergency ceases, the DOH shall honor all valid, written requests to withdraw from the registry. The Commissioner of DOH is hereby authorized to issue guidance to effectuate the requirements of this Paragraph.

2. Individuals that have received approval to opt-out of the NJIIS prior to the effective date of this Order shall also be automatically enrolled in the registry upon receipt of a dose of a

COVID-19 vaccine, and may subsequently re-submit any request to withdraw from the system after the full course of the COVID-19 vaccination has been administered.

3. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 26:4-134 establishing an opt-in system for individuals born prior to January 1, 1998 and permitting individuals born after January 1, 1998 to opt-out of the NJIIS, are suspended for the duration of this Emergency. The provisions of N.J.A.C. 8:57-3.12(g) are modified to allow for automatic enrollment of adults that receive a COVID-19 vaccine. Any provisions of these statutes and regulations that are not inconsistent with this Order, or subsequently entered administrative orders or executive directives, shall remain in full force and effect.

4. For purposes of this Order, the "Public Health Emergency" means the Public Health Emergency declared in Executive Order No. 103 (2020), as extended by Executive Order No. 119 (2020), Executive Order No. 138 (2020), Executive Order No. 151 (2020), Executive Order No. 162 (2020), Executive Order No. 171 (2020), Executive Order No. 180 (2020), Executive Order No. 186 (2020), Executive Order No. 190 (2020), and Executive Order No. 200 (2020), and any subsequent Executive Order which may further extend such Public Health Emergency.

5. 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.

6. 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.

7. 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.

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

9. This Order shall take effect immediately and shall remain in effect unless otherwise revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this 4th day of December, 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