EXECUTIVE ORDER NO. 187

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, and 186, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, and September 25, 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, and No. 183 (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, organized sports play a crucial role in an individual's 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 DOH to issue health and safety standards regarding sporting activities before June 22, 2020; and

WHEREAS, on June 15, 2020, the Commissioner of the DOH 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, 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, on July 20, 2020, I issued Executive Order No. 168, which allowed contact practices and competitions for High Risk sports in outdoor settings only, meaning that contact practices and competitions for both Medium Risk and High Risk sports have been permitted in outdoor settings but prohibited in indoor settings; and

WHEREAS, there are certain Medium and High Risk sports that require the use of indoor facilities and cannot be readily played outside; and

WHEREAS, the feasibility of conducting organized sporting activities outside will decrease as the weather becomes colder; and

WHEREAS, by expressly authorizing Medium and High Risk sports to resume contact practices and competitions in indoor settings, organizers and participants will be required to abide by the protocols outlined in the Guidance and will be subject to additional monitoring by leagues, associations and similar entities, thereby minimizing the potential risk associated with the activities; and

WHEREAS, the indefinite prohibition of contact practices and competitions in indoor settings would be highly disruptive to individuals' athletic careers, which could both affect individuals' personal and professional development and endanger certain financial opportunities for individuals, such as collegiate scholarships; and

WHEREAS, Paragraph 7 of Executive Order No. 148 clarified that professional athletes could fulfill their job duties, meaning professional sporting activities associated with Medium and High Risk sports have been permitted indoors, and there are no confirmed

COVID-19 outbreaks in New Jersey related to professional sporting activities indoors; 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, because of our continued progress, we can now allow Medium and High Risk sports to resume contact practices and competitions in indoor settings; and

WHEREAS, certain sports practices and competitions require more than 25 individuals to be present, when accounting for players, coaches, referees, and other necessary individuals, and the formal nature of such events makes it easier to ensure that health and safety protocols are being appropriately followed; 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. No-contact practices, contact practices, and competitions for sports defined as "Low Risk", "Medium Risk", and "High Risk" by DOH's "Guidance for Sports Activities" are permitted in both outdoor and indoor settings. All activities referenced in this Paragraph are subject to the "Guidance for Sports Activities" issued by the Commissioner of the DOH, 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), Paragraph 6 of Executive Order No. 163 (2020), and Paragraph 1 of Executive Order No. 168 (2020) are superseded to the extent that they are inconsistent with the provisions of this Paragraph.

2. No-contact practices, contact practices, and competitions that are conducted indoors are subject to the current indoor gathering limit of 25% of the capacity of the room in which it takes place, with such limit not to exceed 25 persons or be smaller than 10 persons. However, if the number of individuals who are necessary for a no-contact practice, contact practice, or competition, such as players, coaches, and referees, is greater than 25 persons, such a no-contact practice, contact practice, or competition may proceed, as long as no individuals are present who are not necessary for the no-contact practice, practice, or competition, such as spectators. If this exception applies, the number of individuals at such an indoor gathering still may not exceed 25% of the capacity of the room in which it takes place, and such limit may not exceed 150 persons.

3. 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.

4. 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.

5. 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.

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

7. 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 DOH as appropriate.

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