EXECUTIVE ORDER NO. 225

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, 215, and 222, 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 210-211 (2020) and Nos. 214-216, Nos. 219-220, and Nos. 222-223

(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) prohibited gatherings of individuals and ordered residents to remain at home, except in limited situations such as leaving the home for a religious reason, 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 ("Plan") for the methodical and strategic reopening of businesses and activities, including increased capacity for religious services, based on scientific data and metrics concerning the level of disease transmission risk and essential classification; 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, 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, 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 implementation of DOH's COVID-19 Vaccination Plan, allows for certain activities to continue subject to more limited restrictions; and

WHEREAS, the statewide rate of transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care have decreased over the past few 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 reduce person-to-person contact; and

WHEREAS, New Jersey has consistently acknowledged that religious services play a critical role in our society and that attending such services is a constitutionally protected activity,

so that, at certain times, 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, at least one of New Jersey's neighbor states has recently increased indoor capacity for religious services to fifty percent; and

WHEREAS, in light of aforementioned improvements in the State's numbers and our continued emphasis on the importance of this activity, it is reasonable to increase indoor capacity for religious services to fifty percent of the room in which they are held, without a cap on the number of individuals who may attend; and

WHEREAS, the State has relied on partnership with houses of worship to ensure best practices to protect the community and will continue to expect their support in complying with all applicable protocols; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals while still ensuring that a minimum of six feet of distance is maintained between patrons or groups of patrons at all times, including at entrances and egresses to the facility; and

WHEREAS, without a total cap on the number of individuals permitted at such an event, it is appropriate that the capacity limit be lower than that permitted for smaller venues in order to restrict the overall number of individuals allowed in the facility and to prevent congregation; and

WHEREAS, it is also reasonable to permit a limited number of fans at collegiate sporting events to align with the allowances recently extended to non-collegiate sporting activities; and

WHEREAS, all gatherings, whatever their nature, must continue to utilize protective measures, including use of masks and social distancing; and

WHEREAS, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation protocols, including overall limits on gatherings, 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: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. Effective immediately, 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, but regardless of the capacity of the room, such limit shall never be smaller than

10 persons. For purposes of this Paragraph, any private residence or residential unit shall be treated as a single "room." Paragraph 3 of Executive Order No. 219 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

2. Effective Monday, March 1 at 6:00 a.m., sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their indoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 10 percent of the stated maximum capacity of any room where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions.

3. Effective Monday, March 1 at 6:00 a.m., sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 5,000 or greater, that have opened their outdoor spaces to the public may permit a number of patrons and/or members of the public totaling up to 15 percent of the stated maximum capacity of any outdoor area where such event is held. Such venues shall continue to follow all applicable requirements in any other Executive Order, Administrative Order, and/or Executive Directive, including, but not limited to, the requirements regarding mask wearing in Executive Order No. 192 (2020). All attendees at the event are required to be six feet apart from other attendees at all times, except that individuals

who purchase or reserve tickets together may be seated together, but must be six feet away from all other groups or individuals in all directions.

4. Collegiate athletic competitions that are conducted indoors are subject to the current indoor gathering limit of 10 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 9 of Executive Order No. 219 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Paragraph 2 of this Order shall apply to all indoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater.

5. Collegiate athletic practices and competitions that are conducted outdoors are subject to the outdoor gathering limit of 25 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 9 of Executive Order No. 196 (2020) is hereby rescinded to the extent that it conflicts with the provisions of this Order. Paragraph 3 of this Order shall apply to all outdoor sporting events, including collegiate, youth and professional competitions, that take place in venues with a fixed seating capacity of 5,000 persons or greater.

6. 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.

7. 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.

8. 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).

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

10. 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 22nd day of February, 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