EXECUTIVE ORDER NO. 146

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 and 138 (2020), issued on April 7, 2020, and May 6, 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, and Nos. 140-145 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require

every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) to order steps to mitigate community spread of COVID-19; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed all recreational and entertainment businesses; and

WHEREAS, the CDC has recommended certain cleaning and disinfecting procedures for businesses to reduce potential spread of COVID-19 to staff and members of the public; and

WHEREAS, on April 8, 2020, and April 11, 2020, I issued Executive Order Nos. 122 and 125 (2020), respectively, which imposed additional mitigation requirements on essential businesses and transportation carriers to ensure that they are following CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices; and

WHEREAS, due to increased public interaction and gatherings at county and State parks throughout the State, I issued Executive Order No. 118 (2020) on April 7, 2020, which closed State Parks and Forests, as well as county parks, to the public in order to further social distancing requirements; and

WHEREAS, as the rate of reported new cases of COVID-19 in New Jersey decreases, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State

can begin to take certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that a considerable number of the State's current measures must remain in place, both to reduce additional new infections and to save lives, until additional metrics – such as expanded testing and use of contact tracing – have been satisfied; and

WHEREAS, the CDC has issued guidance for visiting parks and recreational facilities, recognizing that outdoor recreation provides people a vital way to keep the mind and body healthy; and

WHEREAS, on April 29, 2020, I issued Executive Order No. 133 (2020), superseding Executive Order No. 118 (2020), which reopened State Parks and Forests and provided counties the discretion to reopen their parks; and

WHEREAS, Executive Order No. 133 (2020) imposed certain mitigation requirements to be followed at State Parks and Forests, as well as county and municipal parks, to ensure that visitors follow CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices while visiting parks; and

WHEREAS, Executive Order No. 143 (2020) allowed for all public and private beaches, boardwalks, lakes, and lakeshores in the State to open to the public as long as they are maintained consistent with a series of social distancing restrictions, including rules that ensure visitors follow CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices while visiting such spaces; and

WHEREAS, charter fishing services and for-hire vessel activities provide an opportunity for the public to access the State's natural resources and waterways in a manner not otherwise available; and

WHEREAS, the charter fishing and for-hire vessel industry is generally composed of two different types of vessels, private charter boats and larger vessels typically referred to as "head boats" that require a Coast Guard inspection and are generally larger than 50 feet in length; and

WHEREAS, watercraft rental services likewise provide popular outdoor recreation opportunities for the public during the summer months; and

WHEREAS, as New Jersey makes continued progress in its fight against COVID-19, it is appropriate to ensure that New Jerseyans can safely enjoy additional outdoor recreation activities, while maintaining reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, as public health experts have observed, even as the State allows outdoor recreation with reasonable restrictions, due to the ongoing risk of community spread of COVID-19, recreation in such outdoor spaces must currently continue to include adherence to the same restrictions on gatherings that apply in any other context; and

WHEREAS, as public health experts have observed, even as the State allows outdoor recreation with reasonable restrictions, due to the ongoing risk of community spread of COVID-19, the extensive interactions that would happen from indoor retail and recreation operations continue to present a significant risk, and so the

restrictions on in-store operations for retail businesses and indoor operations for recreational and entertainment businesses cannot be lifted at this time; 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. Charter fishing services and for-hire vessels, including charter and head boat activities, shall be allowed to reopen to the public, but such businesses must adopt policies that include, at minimum, the following requirements:

a. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider populations that do not have access to internet service or credit cards;

b. Limit capacity on board the vessel to no more than 10 people at the same time consistent with the restrictions contained within paragraph 5 of Executive Order No. 107 (2020) and paragraph 8 of Executive Order No. 142 (2020);

c. “Make-up” or “open boat” trips that combine groups to fill a vessel are not permitted;

d. Set up and maintain waiting areas, wherever feasible, large enough for passengers seeking to board vessels to ensure appropriate social distancing;

e. Demarcate and post signs that denote six feet of spacing in commonly used and other applicable areas at boarding site or where people may form a line;

f. Demarcate six feet of spacing in all areas of the vessel to demonstrate appropriate spacing for social distancing;

g. Prohibit the sharing of fishing equipment, bait, and gear;

h. Nets or gaffs shall be handled only by crew members;

i. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal by passengers and crew;

j. Require additional infection control practices, as necessary, to address sea sickness and injuries, consistent with CDC and the Department of Health (“DOH”) guidelines;

k. Close all enclosed spaces on the vessel to passengers, except restrooms;

l. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to the crew and passengers, especially where hand washing may not be available;

m. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:

i. Routinely, and at the beginning and end of each trip, clean and disinfect all high-touch areas in accordance with CDC and DOH guidelines, particularly in spaces that are accessible to crew members, passengers, or other individuals, including, but not limited to, restroom facilities, door knobs, other common surfaces, handrails, life jackets, safety gear, fishing equipment and gear, tools, and other frequently touched surfaces, and ensure cleaning procedures; and

ii. Train and equip crew members to perform the above protocols effectively and in a manner that promotes the safety of the passengers and crew;

n. Prohibit any food and beverage service;

o. Provide mandatory captain and crew briefing to the passengers prior to embarking on the social distancing, capacity limits, and hygiene requirements provided herein by the crew to all passengers prior to leaving dock;

p. Conspicuously post signage with the social distancing and hygiene requirements throughout the vessel;

q. Require workers and passengers to wear cloth face coverings, in accordance with CDC recommendations,

while on the vessel, except where doing so would inhibit the individual's health or the individual is under two years of age, and require workers to wear gloves while on the premises. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a passenger refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual. Nothing in the stated policy should prevent workers or passengers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the businesses is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on the premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition;

r. Immediately separate and send home crew members who appear to have symptoms consistent with COVID-19 set forth in CDC guidelines upon arrival at work or who become sick during the day;

s. Survey passengers prior to boarding for symptoms consistent with COVID-19. Any person with symptoms

consistent with shall not be allowed to board the vessel;

t. Promptly notify crew members of any known exposure to COVID-19 on the vessel, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;

u. Clean and disinfect the vessel in accordance with CDC guidelines if a crew member has been diagnosed with COVID-19 illness, or when directed by a public health official consistent with a contact tracing program;

v. Provide employees break time for handwashing throughout the day; and

w. Continue to follow guidelines and directives issued by the DOH, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

2. The brick-and-mortar premises of watercraft rental businesses, including but not limited to boats, jet skis, and surfboards, must remain closed pursuant to Executive Order No. 107 (2020), but, consistent with Executive Order No. 142 (2020), such businesses are permitted to reopen to the public. Such businesses must abide by the terms of paragraph 9 of Executive Order No. 142 (2020), which require the adoption of policies that include, at minimum, requirements for "curbside pickup." For the businesses subject to this paragraph, such policies shall also include protocols for cleaning and disinfecting equipment that is rented, in accordance with CDC and DOH guidelines.

3. Employees, customers, and other individuals should wear face coverings in any setting on charter fishing and for-hire vessels and at watercraft rental businesses, except where doing so would inhibit that individual's health, or where the individual is under two years of age.

4. Nothing in this Order shall be construed to replace, limit, or otherwise modify any existing applicable local, State, and federal laws, regulations, and standards that apply to charter fishing and for-hire vessels.

5. If New Jersey resident leaves their home or place of residence to participate in any activity otherwise authorized by any executive order issued after March 21, 2020, it shall not be a violation of Paragraph 2 of Executive Order No. 107 (2020).

6. Paragraph 9 of Executive Order No. 107 (2020) is hereby superseded to the extent it closes charter fishing services and for-hire vessel activities, as well as watercraft rental businesses, but otherwise remains in full force and effect.

7. Paragraph 2 of Executive Order No. 133 (2020) is hereby superseded to the extent it closes chartered watercraft services and rentals at State Parks and Forests, as well as county and municipal parks, but otherwise remains in full force and effect.

8. 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.

9. 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, and to cooperate fully with Administrative Orders issued pursuant to this Order.

10. 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.

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

12. This Order shall take effect at 6:00 a.m. on Sunday, May 17, 2020, 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 16th 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