EXECUTIVE ORDER NO. 234

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 231, 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, February 17, 2021, and March 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. 228-233 (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 certain activities, including gatherings; 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, I was able to announce a series of reopening steps over the course of several months, including increasing the limits for indoor and outdoor gatherings; and

WHEREAS, though the State experienced significant upticks in case numbers and hospitalizations throughout the fall and early winter, necessitating tightening of certain business and gathering restrictions, key metrics have again improved over the past few months; and

WHEREAS, the current outdoor gatherings limit is set at 50 individuals, with certain limited exceptions; 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. 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, Executive Order No. 219, issued February 3, 2021, most recently increased the indoor limit for all wedding ceremonies 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. 230 (2021) increased the indoor limit for religious services or celebrations, including wedding ceremonies, to 50 percent of the capacity of the room in which they take place, excluding venue staff; and

WHEREAS, Executive Order No. 230 (2021) also clarified that wedding receptions are limited to 35 percent of the capacity of the room in which they take place, up to 150 persons, excluding venue staff; 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 relatively stable during the last several weeks; and

WHEREAS, given the decrease in and recent stability of these key statistics and the continuation of the State's plan, described more fully below, the State can take cautious, incremental steps to ease certain restrictions that were designed to limit person-to-person contact, including the outdoor gatherings limits and capacity restrictions on businesses; and

WHEREAS, the Centers for Disease Control and Prevention continues to emphasize that outdoor environments pose less risk than indoor environments, so that we can significantly increase the outdoor gathering limit to encourage outdoor activities as the weather warms; 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, 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 outdoor gathering limit while following health and safety protocols; and

WHEREAS, certain events such as weddings, 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, which occur on a more frequent basis and typically do not present the same compelling need; and

WHEREAS, catered celebrations are structured events with an established list of attendees that would facilitate contact tracing efforts, entail a seated dinner that requires guests at different tables to remain six feet apart, and involves a venue capable of overseeing attendee and staff compliance with applicable health and safety protocols, so that all such events can operate at the same capacity that was previously extended to wedding receptions; and

WHEREAS, sports and entertainment venues with a large maximum capacity can accommodate a greater number of individuals at a gathering 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 for events at smaller venues be lower than for events at larger ones in order to restrict the overall number of individuals allowed in the facility and to prevent congregation; 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 4 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 8 of Executive Order No. 230 (2021) is hereby rescinded and the number of individuals at outdoor gatherings shall be limited to 200 persons or fewer. An outdoor gathering that is a religious service or celebration, political activity, wedding ceremony or reception, 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) is hereby superseded to the extent that it conflicts with the provisions of this Order.

2. 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 200 persons, unless the outdoor entertainment venue has a fixed seating capacity of 2,500 persons or greater as described in Paragraph 10 of this Order. Paragraph 9 of Executive Order No. 230 (2021) is hereby superseded to the extent that it conflicts with the provisions of this Order.

3. All athletic practices and competitions, including professional, collegiate, and non-collegiate and non-professional, that are conducted outdoors are subject to the outdoor gathering limit of 200 persons. Athletes, coaches, referees, trainers, and other individuals who are necessary for the practice or competition are not included in the number of individuals present at a gathering for purposes of the limits on gatherings. All other individuals,

including spectators, must be limited to 200 persons. The provisions of Paragraph 1 of Administrative Order No. 2020-22 regarding outdoor gatherings shall continue to apply. Paragraphs 16, 18, and 20 of Executive Order No. 230 (2021) are hereby superseded to the extent that it conflicts with the provisions of this Order.

4. It is hereby restated that 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. For purposes of this Order, any private residence or residential unit shall be treated as a single "room."

5. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any indoor celebrations or similar private catered events 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 venue's staff.

6. Recreational or entertainment businesses, and restaurants, cafeterias, dining establishments, food courts, bars, and public and private social clubs where events take place that utilize a licensed caterer or where such venue holds a license to prepare and serve food to the public, must limit the number of patrons participating in any outdoor celebration or similar private catered event to a number that ensures that individuals can remain six feet apart, but such limit shall never be larger than 200 persons, excluding the venue's staff.

7. All indoor gatherings, including wedding receptions and private catered events, must continue to follow all applicable 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).

8. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 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 20 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. This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater. Paragraph 2 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

9. Sports and entertainment venues, including concert venues and stadiums, with fixed seating capacity of 2,500 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 30 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. This paragraph shall apply to events, including collegiate, youth and professional sports competitions, that take place in sports and entertainment venues with a fixed seating capacity of 2,500 persons or greater. Paragraph 3 of Executive Order No. 225 (2021) is hereby rescinded to the extent that it conflicts with the provisions of this Order.

10. 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.

11. 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.

12. 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).

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

14. This Order shall take effect at 6:00 a.m. on Friday, April 2, 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 29th 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