State of New Jersey

Department of Law and Public Safety

Division of New Jersey State Police

Office of Emergency Management

Administrative Order No. 2020-14

Horse Racing

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein, which established social mitigation strategies for combating COVID-19; 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, the Governor 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, pursuant to paragraph 9 of Executive Order No. 107 (2020), the Governor ordered closed to the public all recreational and entertainment businesses, including racetracks and stabling facilities, but also granted the State Director of Emergency Management, who is the Superintendent of the State Police, the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the list of those businesses; and

WHEREAS, as the Governor has observed, as 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, horse racing can be conducted without the presence of spectators and in a manner that minimizes the risks of spreading COVID-19;

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

1. Racetracks that were closed to the public under Paragraph 9(b) of Executive Order No. 107 (2020) are permitted to conduct racing activities and stabling as of 6:00 a.m. on June 1, 2020 in accordance with the provisions of Paragraph 2 of this Order. The remaining provisions of Paragraph 9(b), including the requirement that racetracks and stabling facilities be closed to the public, remain in effect.

2. By 5:00 p.m. on May 31, 2020, racetrack permit holders that conduct racing shall adopt policies that include, at minimum, the following requirements regarding racetrack operations:

    a. Prohibit non-essential individuals, which shall be narrowly defined by the racetrack permit holder in the policy, from entering racetracks, stables, and related facilities;
    b. Require the use of appropriate social distancing measures for individuals picking up or delivering equipment or materials;
    c. Require individuals to practice social distancing and maintain six feet or more between them, wherever feasible;
    d. Place restrictions on areas of the racetrack, including stabling facilities, as necessary, to limit person-to-person interactions;
    e. Require horses to be placed in stalls at least six feet apart, wherever feasible, to minimize human-to-human interaction;
    f. Stagger entry where practicable to limit the number of individuals entering and leaving racetracks, stables, New Jersey Racing Commission (NJRC) offices at the racetrack, the paddock, the detention barn, and any other facilities concurrently;
    g. Limit occupancy in restrooms to avoid over-crowding and maintain social distancing through signage;
    h. Limit meetings, including but not limited to race reviews with NJRC officials, to groups of 10 people or fewer;
    i. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    j. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to everyone entering the racetrack, including stabling facilities;
    k. Prohibit the sharing of horse racing equipment and gear, including but not limited to leads, water buckets, and tack;
    l. Require everyone entering the racetrack, including stabling facilities, to wear cloth face coverings, in accordance with Centers for Disease Control (CDC) recommendations, except where doing so would inhibit the individual's health or by a jockey while racing, and require everyone to

wear gloves while on the premises. Nothing in the stated policy should prevent anyone from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment. Where an individual declines to wear a face covering on the premises due to a medical condition that inhibits such usage, the individual shall not be required to produce medical documentation verifying the stated condition;

m. Conspicuously post signage with the social distancing, hygiene, and mask and glove requirements throughout the racetrack, including stabling facilities;
n. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:
    i. Routinely clean and disinfect all high-touch areas in accordance with the Department of Health (DOH) and CDC guidelines, particularly in spaces that are accessible to staff, jockeys, trainers, veterinarians, NJRC employees, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including horse racing equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;
    ii. Clean and disinfect all equipment related to horse racing in accordance with CDC and DOH guidelines; and
    iii. Train and equip everyone responsible for sanitization to perform the above protocols effectively and in a manner that promotes the safety of everyone at the racetrack;
o. Immediately eject any person from the racetrack, including the stabling facility, who refuses to comply with the policy implemented by the racetrack in accordance with this Order;
p. Immediately separate and send home anyone who appears to have symptoms consistent with COVID-19 illness upon arrival at the racetrack, including stabling facilities, or who becomes sick during the day;
q. Promptly notify any known person on the premises of the racetrack, including stabling facilities, of any known exposure to COVID-19 at the racetrack, including stabling facilities, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;
r. Provide individuals with break time for handwashing throughout the day;
s. Clean and disinfect the racetrack, including stabling facilities and the NJRC offices at the racetrack, in accordance with CDC guidelines when anyone at the site has been diagnosed with COVID-19 illness; and
t. Continue to follow guidelines and directives issued by DOH, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

3. The policies required under Paragraph 2 of this Order shall be made available by request to the NJRC Executive Director, or designee.

4. The NJRC Executive Director, or designee, shall have the authority to inspect for implementation by the racetrack permit holders the policies required under Paragraph 2 of this Order.

5. Racetrack permit holders are responsible for carrying out the requirements contained in Paragraph 2 and any racetrack permit holder that does not adhere to the requirements contained in Paragraph 2 may be subject to regulatory action through the NJRC's authority to oversee horseracing operations and ensure the safety of its participants.

6. This Order shall take effect immediately, and shall remain in effect for as long as Executive Order No. 107 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

May 29, 2020

Colonel Patrick J. Callahan
State Director of Emergency Management