EXECUTIVE ORDER NO. 154

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, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 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. 140-153 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) closed all facilities where personal

care services are performed that, by their very nature, result in noncompliance with social distancing guidelines; and

WHEREAS, on April 27, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-10 clarifying that the closure of personal care services facilities pursuant to Executive Order No. 107 (2020) extended to providing personal care services in any home or business setting, with limited exceptions; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take 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 many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; 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 based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, as the State moves forward with its reopening plans, it is reasonable to take an approach based on which industries can safely proceed while minimizing the spread of COVID-19, due to the challenges associated with assessing the circumstances of every individual business; and

WHEREAS, the State is implementing its reopening process and has begun to relax restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146, 147, and 153 (2020), which lifted closures and/or prohibitions of parks, beaches, lakefronts, and most outdoor recreational facilities and activities, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the Centers for Disease Control and Prevention (CDC), that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, consistent with this Plan, I issued Executive Orders No. 148 and 152 (2020), which allowed additional numbers of individuals to gather indoors and outdoors, consistent with the same repeated observations from public health experts, Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, with social distancing requirements, and Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements; and

WHEREAS, consistent with this Plan, facilities where personal care services are performed can begin to open to the public, but should be held to stringent social distancing and cleaning and

disinfectant requirements to continue preventing the spread of the virus; and

WHEREAS, it is appropriate to allow indoor personal care service facilities but still require other indoor activities to remain closed because unlike other indoor activities, personal care services 1) typically do not have an outdoor alternative, 2) can be conducted with limited and controlled interactions, as opposed to in an uncontrolled environment, and 3) can be conducted with both staff and clients wearing masks at nearly all times, unlike activities such as indoor dining; and

WHEREAS, while it is appropriate to allow indoor personal care service facilities to reopen, personal care services offered outside a personal care facility or a health facility providing medically necessary or therapeutic services should remain prohibited due to the increased difficulty of complying with the health and standards in non-facility settings where the personal care service provider is likely to have less control over cleaning and disinfection procedures, but reasonable accommodations are appropriate for clients confined to their home and unable to travel due to a disability; and

WHEREAS, students at cosmetology schools and other places that provide instruction and training to individuals who are not yet licensed are less likely than licensed professionals to be able to adhere strictly to health and safety standards; 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 at 6:00 a.m. on Monday, June 22, 2020, cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, and tattoo parlors, collectively referred to as "personal care service facilities," are permitted to reopen to the public provided that the facility complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order.

2. The Director of the Division of Consumer Affairs (the "Director") within the Department of Law and Public Safety is directed, consistent with his authority under P.L.2020 c.18, to issue health and safety standards in connection with personal care services to be provided by licensees of the New Jersey State Board of Cosmetology and Hairstyling and the New Jersey Board of Massage and Bodywork Therapy to clients, consistent with this Order, in cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; spas, including day spas and medical spas and similar facilities that offer services of skin care specialists, at which solely elective and cosmetic medical procedures are performed; and massage establishments. The Director may, consistent with his authority under P.L.2020 c.18, issue health

and safety standards for use in connection with personal care services provided by electrologists licensed by the Board of Medical Examiners. Unless and until the Director issues standards specific to electrologists or electrologist facilities, electrologists and electrologist facilities shall comply with any Administrative Order issued by the Director regarding healthcare services in office practices, including but not limited to the Division of Consumer Affairs Administrative Order No. 2020-07 (May 18, 2020).

3. The Commissioner of the DOH is directed, consistent with her authority under the Emergency Health Powers Act, to issue health and safety standards for use by tattoo parlors, tanning salons and other locations in which personal care services are offered by individuals not acting within the scope of a license issued by a professional board within the Division of Consumer Affairs, in order to serve patrons consistent with this Order.

4. Notwithstanding paragraph 1 of this Order, personal care services offered outside of personal care service facilities or health facilities providing medically necessary or therapeutic services shall remain prohibited pursuant to Administrative Order No. 2020-10, until explicitly authorized by an order from the State Director of Emergency Management. If such an order is issued by the State Director of Emergency Management, these personal care services must be provided in a manner that complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order. The prohibition of personal care services offered outside of the facilities referenced above shall not prevent the provision of services to a person that is confined to their home and unable to travel due to

a disability, if these services 1) are permitted under existing statutes and regulations and 2) are provided in a manner that substantially complies with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order.

5. Nothing in paragraph 4 shall be construed to preclude an individual from providing personal care services in a shop, office, or other premises licensed, or otherwise authorized by the Division of Consumer Affairs or one of its licensing boards or the Department of Health that is located in a residence, provided they comply with standards issued by the Division of Consumer Affairs and DOH, as applicable, pursuant to paragraphs 2 and 3 of this Order and all other applicable laws and regulations.

6. Notwithstanding paragraph 1 of this Order, cosmetology schools or other places that provide instruction and training for personal care services shall remain closed pursuant to paragraph 13 of Executive Order No. 107 (2020).

7. Paragraph 9 of Executive Order No. 107 (2020) is hereby superseded to the extent inconsistent with this Order, effective at 6:00 a.m. on Monday, June 22, 2020.

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

9. 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.

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

11. 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 13th day of June, 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