STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY STATE POLICE

OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2020-16

Malls, Sports, Libraries, Venues

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 enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, on March 16, 2020, Executive Order No. 104 (2020) placed limitations on non-essential retail businesses; and

WHEREAS, Administrative Order No. 2020-02 was issued the following day, and stated that all indoor portions of retail shopping malls were closed, while stores within shopping malls with external entrances could remain open to the public as long as all entrances and exits to the common area portions of the malls remained closed; and

WHEREAS, Executive Order No. 107 (2020) superseded Executive Order No. 104 (2020) and closed the brick-and-mortar premises of non-essential retail businesses to the public, and stated that indoor portions of retail shopping malls were closed to the public as recreational and entertainment businesses; and

WHEREAS, Executive Order No. 107 (2020) gave the State Director of Emergency Management, who is the Superintendent of State Police, the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the list of recreational and entertainment businesses that must be closed to the public; and

WHEREAS, all retail stores have always been permitted to offer delivery of goods to customers' homes; and

WHEREAS, Paragraph 9 of Executive Order No. 142 (2020), which took effect on Monday, May 18, 2020, allowed non-essential retail businesses to offer curbside pickup,

but continued to require that customers not enter the brick-and-mortar premises of these businesses; and

WHEREAS, as the Governor has observed, 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, after consultation with officials from the Department of Health ("DOH"), the Governor 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, consistent with this Plan, the Governor signed Executive Order No. 150 (2020), which allowed non-essential retail businesses to reopen their brick-and-mortar premises to the public effective on Monday, June 15, 2020; and

WHEREAS, the Governor expressly authorized State Director of Emergency Management, who is the Superintendent of State Police, to make additions, amendments, clarifications, exceptions, and exclusions to certain terms and provisions of Executive Order Nos. 107 and 150 (2020); and

WHEREAS, all retail businesses can now allow customers to enter their brick-and-mortar premises, with the exception of retail businesses that are located in the interior of shopping malls that do not have an exterior entrance, as the indoor portions of these shopping malls remain closed under Executive Order No. 107 (2020); and

WHEREAS, while indoor shopping malls would create an opportunity for many person-to-person interactions in an uncontrolled environment, these dangers can be mitigated through protocols that ensure that the interiors of shopping malls are primarily used as transit-ways so that customers can access retail stores within the shopping malls; and

WHEREAS, absent common seating in the indoor areas of malls, absent access to any tables and chairs at food courts, and absent access to any recreational or entertainment businesses, individuals will only be able to use the indoor areas of the mall to walk from retail establishment to retail establishment and will not be congregating in large groups nor remaining in close proximity for extended periods, which means that the risk of COVID-19 spread will be significantly reduced, in contrast to the risk of COVID-19 transmission as the categories of businesses that remain closed;

WHEREAS, if these risks of COVID-19 spread from malls are addressed through these measures, then the businesses in any indoor shopping malls can safely reopen if they adhere to the same rules as other analogous businesses, meaning that retail and/or personal care establishments can open safely to the public in line with the reopening of analogous retail and/or personal care establishments outside of malls, consistent with public health; and

WHEREAS, Executive Order No. 149 (2020) allowed for the resumption of non-contact organized sporting activities in outdoor settings; and

WHEREAS, Administrative Order No. 2020-15 made a number of clarifications to the rules surrounding certain businesses, including venues and libraries;

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

Malls

1. Pursuant to my authority to make additions, amendments, clarifications, exceptions, and exclusions to certain terms and provisions of Executive Order Nos. 107 and 150, indoor portions of retail shopping malls may open to members of the public, effective at 6:00 a.m. on Monday, June 29, 2020.
2. Businesses located within the indoor portions of retail shopping malls that remain closed to the public by any Executive Order, such as entertainment and recreational businesses including gyms, fitness centers, movie theaters, amusement parks, water parks, and arcades, shall remain closed.
3. Retail businesses located in the interior of shopping malls are permitted to reopen to the public, as long as they comply with the requirements contained in Paragraph 1 of Executive Order No. 122 (2020).
4. Restaurants, cafeterias, dining establishments, food courts, all bars, and all other holders of a liquor license with retail consumption privileges located within the interior of a retail shopping mall are restricted to offering takeout and delivery services pursuant to Paragraph 8 of Executive Order No. 107 (2020), except that they may also provide in-person service at outdoor areas outside the shopping mall in conformance with the requirements of Executive Order No. 150 (2020).
5. Personal care service facilities located in the interior of shopping malls are permitted to reopen to the public pursuant to Executive Order No. 154 (2020), as long as they comply with the Order, including the standards issued by the Division of Consumer Affairs and the Department of Health pursuant to that Order.
6. Retail kiosks located within malls may operate subject to the applicable requirements contained in Paragraph 1 of Executive Order No. 122 (2020), and must ensure that customers remain six feet apart at all times.

7. All areas with communal seating shall be removed or cordoned off. Isolated seats or benches available for individual use may be accessible, in order to provide customers with a place to rest.
8. Indoor shopping mall operators should evaluate floor plans and establish policies to minimize congestion points and maintain social distancing, such as a customer flow plan with floor markings or separate entrance and exit points.
9. The following services or areas shall be closed at all indoor shopping malls:
    a. Valet parking;
    b. Vending machines;
    c. Stroller rentals; and
    d. Any type of communal play area.
10. Indoor shopping malls must adopt policies that include, at minimum, the following requirements:
    a. Install a physical barrier, such as a shield guard, between customers and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment and/or exchange of goods;
    b. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    c. Provide employees break time for repeated handwashing throughout the workday;
    d. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to employees and customers, particularly at mall entrances;
    e. Require frequent sanitization of high-touch areas like restrooms, ATM machines, counters, door handles, and elevator buttons;
    f. Place conspicuous signage at entrances and throughout the mall, if applicable, alerting staff and customers to the required six feet of physical distance; and
    g. Require employees and customers to wear cloth face coverings while on the premises, except where doing so would inhibit that individual's health or where the individual is under two years of age, and require employees to wear gloves when in contact with customers or goods. Malls must provide, at their expense, such face coverings and gloves for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the mall at the point of entry, then the mall must decline entry to the individual. Nothing in the stated policy should prevent employees or customers 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 mall is otherwise required to provide such employee with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on store premises due to a medical condition that inhibits such usage, neither the mall nor its staff

shall require the individual to produce medical documentation verifying the stated condition.

Sports

11. I hereby clarify that Paragraph 13 of Executive Order No. 149 (2020), which permits all non-contact organized sporting activities in outdoor areas, also permits non-contact organized sporting activities at public and private beaches, boardwalks, lakes, and lakeshores.

Libraries

12. Libraries, which can engage in “curbside pickup/drop-off” under Paragraph 2 of Administrative Order No. 2020-15, are also permitted to deliver materials to patrons.

Venues

13. Restaurants, cafeterias, dining establishments, food courts, bars, public and private social clubs, and indoor recreational and entertainment businesses that can allow individuals to enter their indoor premises in order to tour the facility for event-planning purposes pursuant to Paragraph 1 of Administrative Order No. 2020-15 can allow monetary transactions on their premises, but only for the purpose of securing venue space. Paragraph 1(b) of Administrative Order 2020-15 is hereby superseded to the extent it is inconsistent with this Order.

Effective Date

14. 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.

June 18, 2020

Colonel Patrick J. Callahan

State Director of Emergency Management