EXECUTIVE ORDER NO. 161

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. 140-160 (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, including to cancel all gatherings in the State; 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, and in the rate of reproduction for COVID-19 infections in New Jersey, the State can take steps and has taken 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 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, the State is in the second phase of the reopening process and has begun to relax restrictions on activities where appropriately safeguarded, especially outdoor activities; and

WHEREAS, the CDC has issued guidance for mass gatherings or large community events, such as conferences, festivals, parades, concerts, sporting events, weddings, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities through increased transmission to a large number of people in a short period of time, and states throughout the region previously canceled all such events; and

WHEREAS, the CDC recognizes that the stringency of any limit on gatherings should be tailored to the significance of COVID-19 transmission in the State and region, meaning that as the spread of COVID-19 decreases in a State, the State can significantly adjust its limits on indoor and outdoor gatherings; and

WHEREAS, the fact that the spread of COVID-19 has been limited by the State's emergency measures does not in any way suggest that restrictions on gatherings can be lifted altogether, because absent social distancing measures, public health experts anticipate that the spread of COVID-19 would again significantly increase; and

WHEREAS, the restrictions on indoor gatherings that remain in place may be more stringent than the restrictions that are in place for indoor retail settings, because in such retail settings individuals neither congregate in large groups nor remain in close proximity for extended periods, which are factors that have been linked to the increased risk of COVID-19 transmission; and

WHEREAS, because public health experts have identified that outdoor environments present reduced risks of transmission as compared to indoor environments, it is appropriate to adjust the restrictions relative to gatherings that happen outdoors even more considerably, meaning that certain gatherings that could not take place indoors may still happen in open-air outdoor spaces, but participants should maintain reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and to protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, even where a gathering is permitted, the protective measures that individuals should take, including use of masks and social distancing, remain important, most especially for larger gatherings, because as the CDC has recognized, an increase in the number of participants will offer more opportunities for

person-to-person contact, and will also present a higher risk of a super-spread event, especially when it takes place indoors; and

WHEREAS, consistent with the above principles, I signed Executive Order No. 156 (2020), limiting the number of persons at indoor gatherings to 25% of the capacity of the room in which it takes place, and stating that such limit, regardless of the capacity of the room, shall never be larger than 100 persons or smaller than 10 persons; and

WHEREAS, Executive Order No. 156 (2020) also limited the number of persons at outdoor gatherings to 250 persons, but stated that this limit does not apply to an outdoor gathering that is a religious service or political activity, such as a protest; and

WHEREAS, in the 10 days since Executive Order No. 156 (2020) was signed, the number of new cases has remained steady, and there has been a continued decline in COVID-19 related hospitalizations, Intensive Care Unit (ICU) admissions, and ventilator usage; and

WHEREAS, in light of this continued progress, it is both appropriate to further relax the limits on outdoor gatherings and to continue to do so in a gradual way, so that the State can continue to assess the progress of new COVID-19 cases and hospitalizations, and to monitor the rate of reproduction and the percentage of COVID-19 tests that yield positive results, relative to the new limits, and thereby avoid the increased spread of COVID-19 being identified in other parts of the country; and

WHEREAS, because outdoor gatherings present a substantially lower risk of transmission than indoor gatherings, it is reasonable to allow the limit of persons at outdoor gatherings to increase while keeping the limit of persons at indoor gatherings the same, particularly as other states around the country have reported spikes

in COVID-19 cases that public health experts believe to be driven by indoor activities; 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 2(a) of Executive Order No. 152 (2020) is hereby superseded and the number of individuals at outdoor gatherings shall be limited to 500 persons or fewer. All other requirements for outdoor gatherings contained in Paragraph 2 of Executive Order No. 152 (2020) shall remain in effect, including the provision in Paragraph 2(f) that states that an outdoor gathering that is a religious service or political activity, such as a protest, is not required to comply with the numerical limit on persons. Paragraph 2 of Executive Order No. 156 (2020) is hereby rescinded.

2. Any requirements in any Executive Order, Administrative Order, or agency directive that incorporated by reference the limits on gatherings in Executive Order Nos. 107, 142, 148, 152, and/or 156 (2020) are hereby amended to reflect the rules on gatherings stated in this Order.

3. 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.

4. 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.

5. 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.

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

7. This Order shall take effect at 6:00 a.m. on Friday, July 3, 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 2nd day of July, 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