EXECUTIVE ORDER NO. 148

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 and 138 (2020), issued on April 7, 2020, and May 6, 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. 140-147 (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; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed all recreational and entertainment businesses; and

WHEREAS, 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"), 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 first stage of the reopening process and has begun to relax restrictions on low-risk activities where appropriately safeguarded, including the resumption of certain work activities at physical locations that can meet safeguarding and modification guidelines, as well as certain outdoor activities; and

WHEREAS, consistent with this Plan, I have issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146 and 147, which lifted closures and/or prohibitions of parks, beaches, lakefronts, and several 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 CDC, that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; 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 such gatherings 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 have canceled such events; 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 also adjust restrictions relative to gatherings that happen outdoors, meaning that certain gatherings in open-air spaces outdoors can be allowed while still maintaining reasonable restrictions to help limit the

spread and prevent future outbreaks of COVID-19 and protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, maintaining the overall social distancing and mitigation requirements in place while gathering in open-air outdoor spaces, particularly by maintaining a six-foot distance from other individuals, is imperative to continuing to reduce the ongoing risk of community spread of COVID-19; and

WHEREAS, as public health experts have observed, the higher the number of people an individual interacts with at a gathering contribute to a greater risk of COVID-19 spread, and so large in-person gatherings where it is difficult for individuals to remain spaced six feet apart or more pose an increased risk, which also means that outdoor activities should be prioritized where social distancing can be maintained as much as possible; and

WHEREAS, in order to reduce the continued risk of widespread transmission of COVID-19 at large gatherings, a number of other states that have begun to relax restrictions on gatherings of 10 people or more have imposed a limit on outdoor gatherings up to 25 people, including Pennsylvania, even as states still maintain more stringent requirements for gatherings indoors; and

WHEREAS, it is likewise appropriate to limit outdoor gatherings in our State to no more than 25 people to prevent increased transmission through super-spreading events and large community gatherings; and

WHEREAS, even as the State allows outdoor gatherings in open-air spaces and recreational campgrounds, due to the ongoing risk of community spread of COVID-19, the extensive interactions that occur at gatherings in indoor places and certain indoor retail, recreational, and entertainment operations continue to

present a significant risk, and so the prohibition of indoor gatherings of more than 10 individuals, and the restrictions on the indoor operations of certain retail, recreational, and entertainment businesses, have not been lifted at this time; and

WHEREAS, the State's restrictions on gatherings are tailored to the harms they present, regardless of the purpose of any such gathering, meaning that indoor in-person gatherings are limited to 10 persons, outdoor in-person gatherings are limited to 25 persons so long as all persons remain six feet apart at all times, and any number of individuals may participate in a gathering where all participants remain in their vehicles, given the relative risks of COVID-19 transmission presented by each scenario; and

WHEREAS, recreational campgrounds in the State provide popular outdoor lodging and recreation options during the summer months that allow for limited person-to-person contact and involve appropriate social distancing measures, and thus can also resume consistent with the State's framework on outdoor recreation and the relative risks of COVID-19 transmission; 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. Any gathering that adheres to all of the following rules does not violate Paragraph 5 of Executive Order No. 107 (2020):

a. The gathering takes place outdoors, whether on public or private property, and all attendees remain outdoors at all times during the gathering, with the sole exception of restroom use;

b. Open-air rain tarps, tents, and other outdoor structures shall be allowed solely for the purpose of protecting against foul weather or for shade;

c. The capacity of the gathering must be limited to no more than 25 people at the same time;

d. All attendees at the gathering are required to be six feet apart from other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners;

e. There may be no contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners, and no organized or contact sports shall be allowed;

f. All individuals at the gathering should wear face coverings at all times where other social distancing measures are difficult to maintain, in accordance with CDC recommendations, except where doing so would inhibit the individual's health or where the individual is under two years of age, and they must wear such face coverings where required by another Executive Order;

g. If there are individuals organizing or maintaining the gathering, they should, where applicable, demarcate six feet of spacing in the area of the gathering to demonstrate appropriate spacing for social distancing, such as through the placement of cones, flags, or other markings;

h. If seating is provided, such as chairs or mats, all seating must be limited to single individuals, except for immediate family members, caretakers, household members, or romantic partners, and must be placed six feet apart at all times, and such seating must be sanitized before and after that individual's use in accordance with CDC guidelines;

i. If any physical items, including equipment, are provided, such items may not be shared by anyone except for immediate family members, caretakers, household members, or romantic partners, and such physical items must be sanitized before and after use; and

j. To the degree the gathering requires pre-payment, or seeks donations of any kind, contactless options for pre-payment or donation, such as online or by telephone, must be offered wherever feasible.

2. Any outdoor recreational business or activity permitted to reopen to the public or their members under Paragraph 1 of Executive Order No. 147 (2020), and any charter fishing services and for-hire vessels permitted to reopen to the public under Paragraph 1 of Executive Order No. 146 (2020), must adopt policies that limit capacity to, at most, the number that ensures all

individuals remain six feet apart at all times, but at no times shall that limit exceed 25 people. Any capacity limits imposed on them by Executive Order Nos. 146 and 147 (2020) are hereby superseded, but all remaining requirements in those Orders remain in full force and effect.

3. Where a recreational or entertainment business organizes and/or maintains a gathering that adheres to the requirements of Paragraph 1 of this Order, it shall not be a violation of Paragraph 9 of Executive Order No. 107 (2020).

4. Gatherings authorized by Paragraph 1 of this Order are permitted at State Parks and Forests, county and municipal parks, public and private beaches, boardwalks, lakes, and lakeshores; however, consistent with Executive Order Nos. 108 and 133 (2020), counties and municipalities may impose additional restrictions at county and municipal parks in response to COVID-19. Paragraphs 3 and 7 of Executive Order No. 133 (2020) and Paragraph 3 of Executive Order No. 143 (2020) are hereby superseded to the extent that they prohibit outdoor gatherings of no more than 25 people. All remaining requirements in those Orders, including the prohibition of special events at public and private beaches, boardwalks, lakes, and lakeshores such as festivals, concerts, fireworks, and movies, remain in full force and effect.

5. Where a gathering takes place indoors, or otherwise does not adhere to either the requirements of Paragraph 1 of this Order or to the requirements of Executive Order No. 142 (2020) relating to car gatherings, then gatherings of 10 persons or fewer remain in compliance with Paragraph 5 of Executive Order No. 107 (2020), while gatherings of more than 10 persons remain in violation of that Executive Order.

6. Nothing in this Order shall prevent an individual at a gathering from coming within six feet of another person, or going indoors, if done to protect their health or safety or the health or safety of another individual.

7. Nothing in this Order shall prevent professional athletes from fulfilling their job duties, including when those job duties may require person-to-person contact, consistent with Paragraph 10 of Executive Order No. 107 (2020).

8. Notwithstanding Paragraph 12 of Executive Order No. 107 (2020), schools may allow individuals, including students, on to their premises, but only to engage in the passive recreational activities authorized by Paragraph 1 of Executive Order No. 133 (2020) or to participate in a gathering authorized by Executive Order No. 142 (2020) or by this Order.

9. All private recreational campgrounds are permitted to reopen to the public, but shall adopt policies that include, at a minimum, the following requirements:

a. Require that individuals maintain a six-foot distance from other individuals that are not immediate family members, caretakers, household members, or romantic partners;

b. Establish appropriate site-specific physical distancing between occupied fixed camping units, including but not limited to all cottages, cabins, and tent and RV camping sites;

c. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider

populations that do not have access to internet service or credit cards;

d. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensuring six feet of distance between those individuals;

e. Limit the use of equipment rented or otherwise provided by the campground to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners;

f. Demarcate and post signs that denote six feet of spacing in all public spaces, communal areas, and other applicable areas, whenever possible;

g. Employees, visitors, and other individuals should wear face coverings in any setting at recreational campgrounds where other social distancing measures are difficult to maintain, except where doing so would inhibit that individual’s health, or where the individual is under two years of age;

h. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;

i. Provide employees break time for repeated handwashing throughout the workday;

j. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to employees and visitors;

k. Limit occupancy in restrooms and shower facilities that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity;

l. 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 DOH and CDC guidelines, particularly in spaces that are accessible to employees, visitors, or other individuals, including, but not limited to, restroom and shower facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;

ii. Clean and disinfect equipment that is rented, or otherwise provided to visitors in accordance with CDC and DOH guidelines after each use; and

iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;

m. Place additional restrictions on areas of the campground, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;

n. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;

o. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;

p. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and

q. Continue to follow guidelines and directives issued by the DOH, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

10. The following shall remain closed to the public at recreational campgrounds:

a. Picnic areas;

b. Playgrounds;

c. Pavilions; and

d. Other buildings, amenities, or facilities, except for restrooms and shower facilities.

11. The Department of Environmental Protection shall prepare and publish within 15 days of the effective date of this Order a plan for the phased reopening of all recreational campgrounds located in any State Park and Forest in a manner that is protective of public health, safety, and the environment, and shall apply, at minimum, the policies provided in paragraphs 9 and 10 of this Order.

12. County and municipally-owned recreational campgrounds are permitted to reopen, but the counties and municipalities shall apply, at minimum, the policies provided in paragraphs 9 and 10 of this Order at any county and municipally-owned recreational campground that are open to the public; however, consistent with Executive Order Nos. 108 and 133 (2020), counties and municipalities may impose additional restrictions at county and municipally-owned recreational campgrounds in response to COVID-19.

13. Paragraph 6 of Executive Order No. 133 (2020) is hereby superseded to the extent it closes recreational campgrounds, but all remaining requirements in that Order remain in full force and effect.

14. 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.

15. 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.

16. 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.

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

18. 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 22nd day of May, 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