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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO. 20-019 (REVISED)[1]

COVID-19 PROTOCOLS FOR FOOD OR BEVERAGE ESTABLISHMENTS OFFERING SERVICE IN OUTDOOR AREAS PURSUANT TO EXECUTIVE ORDER NOS. 150, 157 and 194

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Coronavirus disease 2019 (COVID-19) is a respiratory illness caused by a virus called SARS-CoV-2; and

WHEREAS, on March 9, 2020, Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, and 191; and

WHEREAS, COVID-19 is thought to spread mainly through close contact from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks; and

WHEREAS, because COVID-19 is also known to spread by people who do not show any symptoms, it is crucial that all retail establishments, including those serving food and/or beverages, follow good personal hygiene practices and take necessary steps to promote healthy work environment to assist in lowering the further spread of COVID-19; and

WHEREAS, to promote healthy hygiene practices and healthy environment, at minimum, employers should provide training in handwashing, cleaning/disinfection, social distancing, use of face coverings, and monitoring for signs and symptoms of COVID-19 in the workplace; and

[1] This Executive Directive amends and supersedes Executive Directive 20-019 issued on June 29, 2020.

WHEREAS, if there is a confirmed case of COVID-19 among employees, food or beverage establishments should immediately notify and cooperate with their local public health departments on next steps, while maintaining confidentiality; and

WHEREAS, on June 3, 2020, Governor Murphy, moving the state forward into phase 'Stage 2', issued Executive Order No. 150 (2020), allowing service by food or beverage establishments at outdoor areas; and

WHEREAS, on June 26, 2020, Governor Murphy issued Executive Order No. 157 (2020), allowing service by food or beverage establishments at indoor areas, beginning July 2, 2020; and

WHEREAS the resumption of indoor dining was then put on hold in Executive Order No. 158, in light of COVID-19 spikes in states around the nation that attributed their rising caseloads to activities in indoor food and beverage establishments; and

WHEREAS, on August 31, 2020, Governor Murphy issued Executive Order No. 183, allowing indoor dining at retail food or beverage establishments, subject to certain requirements and if they operate in compliance with the health and safety standards issued by the Commissioner of the Department of Health; and

WHEREAS, on August 31, 2020, the Department of Health issued Executive Directive No. 20-030 and "Health and Safety Standards for Indoor Dining Pursuant to Executive Order No. 183"; and

WHEREAS, on November 9, 2020, Governor Murphy issued Executive Order No. 194, which, among other things, permitted the use of enclosed structures such as plastic domes for outdoor dining; and

WHEREAS, under the declared public health emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls and treatment for infectious disease; and

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the DOH, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. This Executive Directive pertains to outdoor dining at retail food or beverage establishments as defined in Executive Order Nos. 150, 157 and 194.

2. Establishments covered by this Executive Directive shall comply with the attached Department of Health protocols, entitled "Health and Safety Standards for Outdoor Dining," as amended and supplemented.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No. 103 (2020), and as extended by Executive Order, unless otherwise modified, supplemented and/or rescinded.

November 11, 2020

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Judith Persichilli, R.N., B.S.N., M.A.
Commissioner