EXECUTIVE ORDER NO. 152

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. 140-151 (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, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, 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 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 gathering restrictions 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 retail, because in indoor 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, maintaining overall social distancing and mitigation requirements 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, recognizing both that the rate of community spread of COVID-19 has been decreasing and also that limits on gatherings have contributed to that progress, a number of other states in the region have relaxed their restrictions in indoor gatherings, and have relaxed their restrictions on outdoor gatherings even further, while still leaving a number of requirements in place; and

WHEREAS, certain gatherings – including religious services and political activity – are particularly important to the functioning of the State and of society, and while such gatherings must be limited to the same degree as any other during periods of especially high community transmission, at a time during which COVID-19 cases, hospitalizations, and the rate of reproduction is lower, the restrictions on these gatherings can be relaxed to an even greater degree than for other gatherings, especially if they

are outdoors, and other states facing analogous levels of COVID-19 transmission have repeatedly recognized these points; and

WHEREAS, the State's restrictions on gatherings continue to be tailored to the harms that each gathering presents, meaning that indoor in-person gatherings must comply with a more stringent limitation than outdoor in-person gatherings, and that additional individuals may participate in a gathering beyond those numerical limitations wherever those participants remain in their vehicle, given the relative risks of COVID-19 transmission presented by each scenario; and

WHEREAS, even where a gathering is permitted, the protective measures that individuals should take, including use of masks and social distancing, remains 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, 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. No indoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules:

a. The number of individuals at the gathering shall be limited to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 50 persons or smaller than 10 persons;

b. All attendees at the gathering must wear face coverings at all times except where doing so would inhibit the individual's health or where the individual is under two years of age;

c. If there are individuals organizing or maintaining the gathering, those individuals must wear face coverings whenever feasible, and must wear face coverings whenever they are within six feet of another individual, except where doing so would inhibit the individual's health;

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, as well as excluding a limited number of individuals organizing or maintaining the gathering;

e. There may be no contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners, and excluding a limited number of individuals organizing or maintaining the gathering;

f. Where the number of individuals at the gathering is 10 persons or fewer, the gathering is not required to comply with Paragraphs 1(a)-(e) of this Order, but all individuals at the gathering should wear face coverings at all times, except where doing so would inhibit the individual's health or where the individual is under two years of age;

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. Any physical items, including equipment, may not be shared by multiple attendees of the same gathering except for immediate family members, caretakers, household members, or romantic partners, unless such physical items are sanitized before and after use by different individuals; and

i. 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. No outdoor gathering may take place in the State, whether on public or private property, unless it adheres to all of the following rules:

a. The number of individuals at the gathering must be limited to 100 persons or fewer;

b. 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, as well as excluding a limited number of individuals organizing or maintaining the gathering;

c. There may be no contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners, and excluding a limited number of individuals organizing or maintaining the gathering;

d. 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;

e. Any physical items, including equipment, may not be shared by multiple attendees of the same gathering except for immediate family members, caretakers, household members, or romantic partners, unless such physical items are sanitized before and after use by different individuals;

f. Where the number of individuals at the gathering is 25 persons or fewer, the gathering is not required to comply with Paragraphs 2(a)-(e) of this Order. Where the outdoor gathering is a religious service

or political activity, such as a protest, the gathering is not required to comply with Paragraphs 2(a)-(e) of this Order;

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

h. 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 all attendees must wear such face coverings where required by another Executive Order; and

i. 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.

3. No individual shall be considered in calculating the total number of attendees at the outdoor gathering at any time in which that individual is in a vehicle, so long as that vehicle is either (1) closed, meaning that the windows, doors, sunroofs, and tops of the vehicle are all closed, or (2) more than six feet from any other vehicle or individual.

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

5. Nothing in this Order shall prevent a person at a gathering from momentarily removing their mask to place or receive an item in their mouth, including food or beverage, if done for religious purposes or for their health or safety.

6. Gatherings authorized by 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, 133, and 148 (2020), counties and municipalities may impose additional restrictions at county and municipal parks in response to COVID-19.

7. Available parking at all State Parks and Forests shall reopen to their full maximum capacity, and available parking at all county and municipal parks may reopen to their full maximum capacity.

8. The provisions in paragraph 5 of Executive Order No. 107 (2020), paragraphs 3 and 7 of Executive Order No. 133 (2020), paragraphs 4 and 8 of Executive Order No. 142 (2020), and paragraphs 1 and 5 of Executive Order No. 148 (2020) are hereby superseded to the extent inconsistent with this Order. To the extent provisions of these Orders are not inconsistent with this Order, they remain in full force and effect.

9. 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.

10. 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.

11. 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.

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

13. 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 9th 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