STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY STATE POLICE

OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2020-22

Facilities Hosting Professional & Collegiate Sports Events, Indoor Shopping Malls, Self-service Food at Retail Businesses, Private Tutoring Facilities

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, through Executive Order Nos. 119, 138, 151, 162, 186, and 191 (2020), issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 2020, respectively, the facts and circumstances of which are adopted by reference herein, the Governor 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, pursuant to paragraph 9 of Executive Order No. 107 (2020), the Governor ordered closed to the public all recreational and entertainment businesses, including sports facilities; and

WHEREAS, Executive Order No. 161 (2020), issued on July 2, 2020, increased the limit imposed in prior Executive Orders for outdoor gatherings to 500 persons; and

WHEREAS, Executive Order No. 187 (2020) declared that no-contact practices, contact practices, and competitions that are conducted indoors are subject to indoor gathering limits of 25% of the capacity of the room in which it takes place, but with the limit not to exceed 25 persons or be smaller than 10 persons, and that Order permitted the gatherings limit to be 150 if the number of individuals necessary for the above activities

is greater than 25 persons as long as no individuals are present who are not necessary for those activities; and

WHEREAS, Paragraph 7 of Executive Order No. 148 (2020) clarified that the limitations on gatherings do not impact the ability of professional athletes to fulfill their job duties; and

WHEREAS, Paragraph 13 of Executive Order No. 149 (2020) further clarified that limitations on contact sports activities shall be construed to restrict the ability of professional athletes to fulfill their job duties, or to restrict the ability of United States national team athletes or athletes training at United States National Team Training Centers to conduct their training activities; and

WHEREAS, college and university athletic programs and professional athletic teams, leagues, and organizations, are readily able to establish comprehensive protocols for the athletes participating within their programs , including by placing limitations on outside activities and requiring athletes to reside in a specified location; and

WHEREAS, the formal nature of collegiate and professional sports competitions makes it easier to ensure that health and safety protocols are being appropriately followed; and

WHEREAS, on June 3, 2020, through Executive Order No. 150 (2020), the Governor authorized the resumption of outdoor dining subject the provisions imposed by that Order and guidelines issued by the New Jersey Department of Health (DOH); and

WHEREAS, on June 26, 2020, through Executive Order No. 157 (2020), the Governor authorized the reopening of recreational entertainment businesses, both indoor and outdoor, as of 6:00 a.m. on July 2, 2020, subject to the requirements contained in that Order; and

WHEREAS, on June 29, 2020, through Executive Order No. 158 (2020), the Governor ordered that recreational and entertainment businesses authorized to open their indoor premises to the public may only do so where it prohibits the consumption of food or beverages and smoking in those indoor premises; and

WHEREAS, on September 1, 2020, through Executive Order No. 183 (2020), the Governor authorized the reopening of indoor dining on September 4, 2020 in accordance with the provisions set forth therein, including but not limited to outlining applicable capacity limits; and

WHEREAS, Executive Order No. 183 (2020) also revised the limits imposed in prior Executive Orders for indoor gatherings; 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, Administrative Order No. 2020-15 permitted the indoor areas of shopping malls to open to the public, but required the continued closure of valet parking, vending machines, stroller rentals, and communal play areas; and

WHEREAS, vending machines and stroller rentals entail little to no person-to-person contact, so that with frequent cleaning and sanitization of shared materials, such services can be permitted to safely operate; and

WHEREAS, the Department of Health has issued guidance regarding indoor dining operations which prohibits buffets and other self-serve food arrangements in restaurant settings; and

WHEREAS, private tutoring businesses are similar in nature to other businesses that have previously been authorized to operate and should be held to the same health and safety protocols imposed on similarly situated businesses; and

WHEREAS, the Governor has granted the State Director of Emergency Management, who is the Superintendent of the State Police, the discretion to make additions, amendments, clarifications, exceptions, and exclusions related to the provisions within Executive Order Nos. 107, 157, 183, and 187;

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

Professional and College Athletic Competitions

1. Facilities hosting professional and collegiate athletic competitions shall abide by the State gathering limits for indoor and outdoor gatherings then in effect, which were most recently laid out in Executive Order Nos. 161 and 183 (2020). Such facilities shall be subject to the gatherings limits as follows:

a. Athletes, coaches, referees, trainers, and other individuals necessary to the performance of a competitive sporting event are not included in the number of individuals present at a gathering for purposes of the limits on gatherings.

b. Restaurants located within such facilities that permit indoor dining shall operate according to the provisions included in Paragraph 1 of Executive Order No. 183 (2020), including those regarding capacity and masking.

Restaurants that permit outdoor dining shall operate according to the provisions of Paragraph 4 of Executive Order No. 157 (2020).

c. Other than individuals listed in Paragraph 1(a) and individuals dining at restaurants pursuant to Paragraph 1(b), all individuals granted admission to the facilities operating pursuant to Paragraph 1 of this Order shall count towards the State gathering limits for indoor or outdoor gatherings. Facilities shall make best efforts to ensure that individuals admitted under Paragraph 3(c) remain separate from individuals admitted under Paragraph 3(b). The number of individuals present inside facilities where indoor athletic competitions are taking place may not exceed 25% of the capacity of the room in which it takes place, and such limit may not exceed 150 persons.

d. Facilities shall abide by the health and safety provisions within Paragraph 7 of Executive Order No. 157 (2020) except where they are inconsistent with Paragraphs 1(a) – (c), and all applicable provisions of Executive Order No. 192 (2020).

e. Facilities shall ensure that individuals granted admission under Paragraph 1(c) wear cloth or disposable face masks within the facility, whether indoors or outdoors, in accordance with the Centers for Disease Control and Prevention ("CDC") recommendations, except where the individual is under two years of age, where it is impracticable for an individual to wear a face mask, such as when the individual is eating or drinking, or when doing so would violate State or federal law.

    i. Facilities may be required to provide an individual granted admission who declines to wear a mask due to a disability a reasonable accommodation, pursuant to the Americans with Disabilities Act New Jersey Law Against Discrimination, unless such accommodation would pose an undue hardship on the employer's operations.

    ii. Where an individual granted admission declines to wear a face mask due to a disability that inhibits such usage, the individual shall not be required to produce medical documentation verifying the stated condition, unless production is otherwise required by State or federal law.

Indoor Mall Services

2. Vending machines are permitted to operate in indoor shopping malls, provided that they are cleaned and sanitized in accordance with CDC guidance. It is hereby also clarified that vending machines in any setting, including health clubs and retail businesses, are permitted to operate subject to the same requirement.
3. Stroller rentals are also permitted to operate in indoor shopping malls, subject to the applicable requirements of Paragraph 1 of Executive Order No. 157 (2020). It is further clarified that other rental services in indoor shopping malls that were not previously required to remain closed by Administrative Order No. 2020-16, such as wheelchair rentals, are permitted to operate subject to the applicable requirements of Paragraph 1 of Executive Order No. 157 (2020).
4. Valet parking and communal play areas shall remain closed.
5. Administrative Order No. 2020-16 is superseded to the extent that it conflicts with the provisions of this Order.

Self-service food and drink

6. It is hereby clarified that self-service food, such as buffets and salad bars, is not permitted at retail businesses, including grocery stores, notwithstanding Paragraph 1 of Executive Order No. 157 (2020). Such retail businesses shall also limit self-service drink stations to those that can be routinely and effectively cleaned and disinfected.

Private Tutoring Facilities

7. Shared space tutoring service facilities may open to students and clients, subject to the restrictions outlined in Paragraph 7 of Executive Order No. 157 (2020). Administrative Order No. 2020-15 is superseded to the extent that it conflicts with the provisions of this Order.

Effective Date

8. This ORDER shall take effect immediately and shall remain in effect for as long as Executive Order Nos. 107, 157, 183 and 187 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

October 31, 2020

Colonel Patrick J. Callahan
State Director of Emergency Management