STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY STATE POLICE

OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2020-19

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, through Executive Order Nos. 119, 138, 151, 162, 171, and 180, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, and August 27, 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, on March 16, 2020, Executive Order No. 104 (2020) closed all casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues; and

WHEREAS, Executive Order No. 107 (2020) superseded Executive Order No. 104 (2020) and noted that all casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues, remained closed; and

WHEREAS, as the Governor has observed, 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"), the Governor announced a multi-stage New Jersey's Road Back Plan ("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, consistent with this Plan, the Governor signed Executive Order No. 157 (2020), which allowed casinos, including casino gaming floors and retail sports wagering lounges, to reopen their premises to the public contingent on compliance with any and all additional requirements imposed by the Division of Gaming Enforcement; and

WHEREAS, the Governor signed Executive Order No. 158 (2020), which stated that retail, recreational, and entertainment businesses could open their indoor premises to the public only when they prohibited the consumption of food or beverages and smoking in those indoor premises; and

WHEREAS, Executive Order No. 158 (2020) noted that smoking in the indoor areas of any retail, recreational, and entertainment business, including casinos, is prohibited, even when otherwise permitted by State law; and

WHEREAS, Executive Order No. 183 (2020) lifted the prohibition on eating, drinking, and smoking in retail, recreational, and entertainment businesses that is otherwise permitted by State law; and

WHEREAS, Executive Order No. 183 (2020) gave the State Director of Emergency Management, who is the Superintendent of State Police, discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of that Order; and

WHEREAS, the Commissioner of DOH advised that smoking on casino floors poses a possible increased risk for the transmission of COVID-19 as smoking can only be done without a mask, involves active exhalation, often results in frequent touching of hands and mouth, and can take place over a prolonged period of time; and

WHEREAS, the Commissioner of the Department of Health further advised that casino workers are at greater risk for lung and heart disease because of long-term secondhand smoke exposure and casino workers with such underlying diseases are at an increased risk for complications if they become infected with COVID-19; and

WHEREAS, the Commissioner of the Department of Health has determined that a temporary ban on smoking on casino floors is necessary to protect the large number of individuals on casino floors, including casino patrons and casino employees;

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

1. Smoking shall be prohibited in the indoor areas of any casino or casino simulcasting facility that is open to the public, and retail sports wagering lounges, notwithstanding the provisions of N.J.S.A. 26:3D-59(e)(1)-(2) and Atlantic City Ordinance, Chapter 221, Section 221-6A (5) (Ord. No. 95-2008).

2. This ORDER shall take effect at 6:00 a.m. on Saturday, September 5, 2020, and shall remain in effect for as long as Executive Order No. 183 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

September 4, 2020

Colonel Patrick J. Callahan
State Director of Emergency Management