STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY STATE POLICE

OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2020-13

Essential Retail Businesses

WHEREAS, on March 9, 2020, through Executive Order No. 103, 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 social mitigation strategies for combating COVID-19; 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, 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 April 8, 2020, the Governor issued Executive Order No. 122 (2020), the facts and circumstances of which are adopted by reference herein, which established, among other things, enhanced social mitigation and public health practices for the in-person operations of essential retail businesses; and

WHEREAS, on May 16, 2020, the Governor issued Executive Order No. 146 (2020), the facts and circumstances of which are adopted by reference herein, which permitted charter fishing services and for-hire vessels to reopen to the public subject to following certain policies regarding social mitigation, cleaning, and disinfecting; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), the Governor ordered closed to the public the brick-and-mortar premises of all non-essential retail businesses but also deemed a subset of retail businesses as essential and permitted their brick-and-mortar premises to remain open; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), the Governor 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 to the list of essential retail businesses; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), as clarified by paragraph 2 of Administrative Order No. 2020-5, bicycle shops were added to the list of essential retail businesses but only to provide service and repair; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), as clarified by paragraph 2 of Administrative Order No. 2020-6, car dealerships were permitted to continue in-person auto maintenance and repair services and to provide online and telephonic delivery services and pickup services outside or adjacent to their stores for vehicles ordered in advance online or by phone; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), as clarified by paragraph 3 of Administrative Order No. 2020-10, car dealerships were permitted to allow customers who ordered or purchased a vehicle online or by phone to test drive the vehicle at the time of pick-up or prior to delivery, provided that the dealership adopt certain policing to ensure social distancing, cleaning, and disinfecting; and

WHEREAS, as the Governor has observed, as 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, the purchase and leasing of vehicles, including cars and motorcycles, the purchase of bicycles, and purchase and leasing of boats will meet the transportation needs of New Jerseyans; and

WHEREAS, the business operations of showrooms and display areas for vehicles, including cars and motorcycles, bicycles, and boats involves contact with products that may remain in the facility and thus subject to contact by multiple patrons, and limiting capacity and access to such touch points is critical to limiting the spread of COVID-19 in these spaces while also allowing those businesses to operate;

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

1. Car and used car dealerships, motorcycle dealerships, boat dealerships, and bicycle shops are added to the list of essential retail businesses in accordance with

paragraph 6 of Executive Order No. 107, but must operate under the following provisions:

a. Limit occupancy at 50% of the stated maximum store capacity and require all customer visits, including sales, to be by appointment only;

b. Establish hours of operation, wherever possible, that permit access solely to high-risk individuals, as defined by the CDC;

c. Install a physical barrier, such as a shield guard, between customers and salespersons wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment and/or exchange of goods;

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

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

f. Arrange for contactless pay options, pickup, and/or delivery of goods wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers;

h. Require frequent sanitization of high-touch areas like restrooms, credit card machines, keypads, counters and shopping carts;

i. Place conspicuous signage at entrances and throughout the store, if applicable, alerting staff and customers to the required six feet of physical distance;

j. Demarcate six feet of spacing in check-out and service lines to demonstrate appropriate spacing for social distancing; and

k. Require workers and customers to wear cloth face coverings while on the premises, except where doing so would inhibit that individual's health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers or goods. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a customer refuses to wear a cloth face covering for non-medical reasons and

if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on store premises due to a medical condition that inhibits such usage, neither the essential retail business nor its staff shall require the individual to produce medical documentation verifying the stated condition.

2. The businesses subject to this Order may permit customers to test drive vehicles, including cars and motorcycles, boats, or bicycles sold or leased by the business provided that the business permits the individual to access the vehicle alone, or in the case of boats, with an employee of the business but only when social distancing can be maintained, and provided that the business must appropriately clean and sanitize the vehicle, boat, or bicycle after such test drive if the customer does not purchase the item.

3. Paragraphs 1(b), 2, and 3 of Administrative Orders No. 2020-5, -6, and -10, respectively, are superseded to the extent that they conflict with the provisions of this Order.

4. This Order shall take effect at 6:00 a.m. on May 20, 2020, and shall remain in effect for as long as Executive Order No. 107 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

May 19, 2020

Colonel Patrick J. Callahan

State Director of Emergency Management