

NEW JERSEY – COVID-19 – Executive Order No. 107, 122, and 125 – Issued 3/21/20, 4/8/20 and 4/11/20

STAY AT HOME, LIMITS ON BUSINESSES, AND LIMITS ON CONSTRUCTION

EO 107 <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf>
 EO 122 <https://nj.gov/infobank/eo/056murphy/pdf/EO-122.pdf>
 EO 125 <https://nj.gov/infobank/eo/056murphy/pdf/EO-125.pdf>

GENERAL TOPIC	SUMMARY	SECTION #
Effective Period	EO 107 - March 21, 2020 at 9:00 p.m. until revoked or modified by Governor EO 122- April 10, 2020 at 8:00 p.m. until revoked or modified by Governor. EO 125- April 13, 2020 at 8:00 p.m. until revoked or modified by Governor. <i>[Note: Also see summary of Exec. Order No. 142, which has lifted certain of these restrictions]</i>	EO 107 - §9 EO 122 – §9 EO 125 - §10
Intent	To help further prevent the spread of COVID-19	Preamble
Shelter in Place	All residents required to state at home unless they are performing permitted activities . See list of permitted activities in Appendix below. Social distancing should be practiced when out in public (6 feet apart)	EO 107 §2
Businesses in NJ	All business and non-profits must telework wherever practicable. Brick-and-mortar premises of all non-essential retail businesses must close to the public (essential businesses defined below). Essential businesses whose physical locations remain open must abide by social distancing practices.	EO 107 §6 EO 107 §7
	Essential retail businesses must, wherever practicable, provide pickup services outside or adjacent to their stores for goods ordered in advance online or by phone. Online and telephonic delivery services are permitted to the extent the retail business is authorized to operate an online or telephonic delivery service under existing law.	EO 107 §6
	Restaurants, cafeterias, dining establishments, food courts, bars, and holders of liquor licenses with retail consumption privileges can only offer delivery/take-out in accordance with existing liquor licenses.	EO 107 §8
	Recreational and entertainment businesses (defined below) are closed.	EO 107 §9
Non-Essential Construction Projects	Effective 4/10/20, physical operations of all non-essential construction projects were required to cease. [Note: This restriction was lifted by Exec. Order No. 142 effective 5/18/20, subject to certain requirements. See separate summary of Exec. Order No. 142]	EO 122: §2
Policies required for Business Sectors	Effective 4/10/20, certain business sectors were required to adopt specific policies, including policies relating to social distancing, limiting number of workers/ customers, signage, etc. See Appendix below for policies required for:	EO 122 §1, 3,4, 5

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	<ul style="list-style-type: none"> • Essential retail • Manufacturing • Warehousing • Essential construction • Building owners • Food businesses (effective 4/13/20) 	
Public and Private Gatherings	Gatherings of individuals, such as parties, celebrations, or other social events, are cancelled.	EO 107 §5
Travel	Public transportation should only be used if individuals have no other feasible choice.	EO 107 §4
Failure to Comply	Penalties for violations may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.	8 of EO 122 & 9 of EO 125
Effect on Other Laws	No municipality, county, or any 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 the Executive Orders, or which will in any way interfere with or impede their achievement.	Preamble, reference to E.O. No. 108
Other	EO 125 also includes required policies for transit and carriers, including limits on occupancy, required infection control practices, etc.	EO 125: §1,2,3 & 4
APPENDIX AND DEFINITIONS (SUMMARY)		
Permitted Activities	<ol style="list-style-type: none"> 1. obtaining goods or services from essential retail businesses; 2. obtaining takeout food or beverages from restaurants, other dining establishments, or food courts, pursuant to Paragraph 8; 3. seeking medical attention, essential social services, or assistance from law enforcement or emergency services; 4. visiting family or other individuals with whom the resident has a close personal relationship, such as those for whom the individual is a caretaker or romantic partner; 5. reporting to, or performing, their job; 6. walking, running, operating a wheelchair, or engaging in outdoor activities with immediate family members, caretakers, household members, or romantic partners while following best social distancing practices with other individuals, including staying six feet apart; 7. leaving the home for an educational, religious, or political reason; 8. leaving because of a reasonable fear for his or her health or safety; or 9. leaving at the direction of law enforcement or other government agency 	EO 107 §2
Essential Businesses	<ol style="list-style-type: none"> a. Grocery stores, farmer's markets and farms that sell directly to customers, and other food stores, including retailers that offer a varied assortment of foods comparable to what exists at a grocery store; b. Pharmacies and alternative treatment centers that dispense medicinal marijuana; c. Medical supply stores; d. Retail functions of gas stations; e. Convenience stores; f. Ancillary stores within healthcare facilities; 	EO 107 §6

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	<ul style="list-style-type: none"> g. Hardware and home improvement stores; h. Retail functions of banks and other financial institutions; i. Retail functions of laundromats and dry-cleaning services; j. Stores that principally sell supplies for children under five years old; k. Pet stores; l. Liquor stores; m. Car dealerships, but only to provide auto maintenance and repair services, and auto mechanics; n. Retail functions of printing and office supply shops; and o. Retail functions of mail and delivery stores. 	
Essential construction projects	<ul style="list-style-type: none"> p. Projects necessary for the delivery of health care services, including but not limited to hospitals, other health care facilities, and pharmaceutical manufacturing facilities; q. Transportation projects, including roads, bridges, and mass transit facilities or physical infrastructure, including work done at airports or seaports r. Utility projects, including those necessary for energy and electricity production and transmission, and any decommissioning of facilities used for electricity generation; s. Residential projects that are exclusively designated as affordable housing; t. Projects involving pre-K-12 schools, including but not limited to projects in Schools Development Authority districts, and projects involving higher education facilities; u. Projects already underway involving individual single-family homes, or an individual apartment unit where an individual already resides, with a construction crew of 5 or fewer individuals. This includes additions to single-family homes such as solar panels; v. Projects already underway involving a residential unit for which a tenant or buyer has already entered into a legally binding agreement to occupy the unit by a certain date, and construction is necessary to ensure the unit's availability by that date; w. Projects involving facilities at which any one or more of the following takes place: the manufacture, distribution, storage, or servicing of goods or products that are sold by online retail businesses or essential retail businesses, as defined by Executive Order No. 107 (2020) and subsequent Administrative Orders adopted pursuant to that Order; x. Projects involving data centers or facilities that are critical to a business's ability to function; y. Projects necessary for the delivery of essential social services, including homeless shelters; z. Any project necessary to support law enforcement agencies or first responder units in their response to the COVID-19 emergency; aa. Any project that is ordered or contracted for by Federal, State, county, or municipal government, or any project that must be completed to meet a deadline established by the Federal government; bb. Any work on a non-essential construction project that is required to physically secure the site of the project, ensure the structural integrity of any buildings on the site, abate any hazards that would exist on the site if the construction were to remain in its current condition, remediate a site, or otherwise ensure that the site and any buildings therein are appropriately protected and safe during the suspension of the project; and 	2a-n of EO 122

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	cc. Any emergency repairs necessary to ensure the health and safety of residents.	
Food businesses	All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges that are continuing to offer food delivery and/or takeout services pursuant to Executive Order No. 107	EO 125: §5
Recreational and Entertainment Businesses	<ul style="list-style-type: none"> a. Casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue. b. Racetracks, including stabling facilities and retail sports wagering lounges. Mobile sports wagering services may continue. c. Gyms and fitness centers and classes. d. Entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs. e. All indoor portions of retail shopping malls. Restaurants and other stores located within shopping malls that have their own external entrances open to the public, separate from the general mall entrance, may remain open for delivery/take-out only. f. All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement parks, water parks, aquariums, zoos, arcades, fairs, children’s play centers, funplexes, theme parks, bowling alleys, family and children’s attractions. g. Facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, tattoo parlors, and public and private social clubs, whether or not they serve alcohol, including but not limited to facilities owned or operated by the American Legion, Veterans of Foreign Wars, Knights of Columbus, and any other social clubs associated with community service organizations. 	EO 107: §9
Policies for Essential Retail Businesses	<p>Requires essential retail-businesses (as defined in Executive Order 107) with in-person operations to adopt policies that, at a minimum, include:</p> <ul style="list-style-type: none"> a. Limiting occupancy at 50% of the stated maximum store capacity; b. Set aside certain shopping hours for high risk individuals; c. Install physical barriers between customers and employees where feasible or otherwise maintain 6 feet of distance between individuals; d. Require infection control practices e. Provide employees break times for repeated hand-washing; f. Arrange for contactless pay options, pick-up or deliveries where feasible; g. Provide sanitizing materials to employees and customers h. Require high-touch areas to be frequently sanitized i. Place signs throughout store regarding the required 6 feet of distance; j. Mark 6 feet of spacing in checkout lines; k. Requiring customers and employees over the age of two and without a specific medical reason which prevents them from doing so, to wear 	EO 122: §1

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	cloth face coverings while on premises and employees to wear gloves when in contact with customers or goods (gloves and face coverings for employees to be provided at employer's expense).	
Policies for Mfg, Warehousing, Essential Construction	Requires manufacturing business, warehousing businesses and essential construction projects to adopt policies that, at a minimum, include: <ul style="list-style-type: none"> a. Prohibit non-essential visitors from entering worksite; b. Limit worksite meetings to fewer than 10 people c. Require individuals to maintain 6 feet of distance where possible; d. Stagger work start and stop times, break times, and lunch times to limit number of individuals entering/leaving/in same areas of worksite at same time; e. Limit number of individuals who can access common areas at same time; f. Require workers and visitors to wear cloth face coverings and workers to wear gloves while on premises (businesses must provide gloves and face coverings, at their expense, to their workers); g. Require infection control practices; h. Limit sharing of tools; i. Provide sanitization materials to workers and visitors; and j. Require frequent sanitizing of high use areas 	EO 122: §3
Policies for all of the above businesses	All essential retail-businesses, manufacturing business, warehousing businesses and businesses performing essential construction projects must adopt policies pertaining to potential exposure, which at a minimum, including: <ul style="list-style-type: none"> a. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day; b. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws; c. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and d. Continue to follow guidelines and directives issued by the New Jersey Department of Health, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment. 	EO 122: §4
Policies for Building Owners	<ul style="list-style-type: none"> • Requires owners of buildings where essential businesses operate or with 50 or more residential units to adopt policies that implement cleaning protocols to ensure, at a minimum: (i) high-touch areas are routinely disinfected in accordance with CDC guidelines; (ii) the cleaning procedures to be taken after a known or suspected exposure are in accordance with CDC guidelines, and (iii) that the facility has sufficient staff to perform such required protocols. 	EO 122: §5
Policies for Food Businesses	Requires all <u>food businesses</u> to adopt policies that include, at a minimum: <ul style="list-style-type: none"> a. Limiting occupancy at 10% of the stated maximum capacity, where feasible; b. Ensure 6 feet of distance between workers and customers, except at 	EO 125: §5

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	<p>moment of payment or exchange of goods;</p> <ul style="list-style-type: none"> c. Require infection control practices d. Provide employees break times for repeated hand-washing; e. Arrange for contactless pay options, pick-up or deliveries where feasible; f. Provide sanitizing materials to staff; g. Require high-touch areas to be frequently sanitized; h. Place signs at entrance and throughout food business, if applicable, regarding the required 6 feet of distance; and <ul style="list-style-type: none"> • Requiring workers to wear cloth face coverings and gloves while on premises, as well as requiring any customers that enter the food business to wear cloth face coverings, except where doing so would inhibit such individual's health, and requiring workers to wear gloves when in contact with customers or goods (gloves and face coverings for employees to be provided at employer's expense). 	
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DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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