

June 2020

Client Advisory

Governor Murphy Lifts NJ Stay-at-Home Order, Imposes New Rules on Re-Opened Businesses and Gatherings

On June 9, 2020, New Jersey Governor Phil Murphy signed Executive Orders 152 and 153.

EO 153 specifically ends the strict “stay-at-home” provision of EO 107 the Governor signed on March 21, 2020. While both of the new Orders allow greater freedom of movement and gathering in New Jersey, they do not eliminate all prior restrictions and they impose a significant number of new rules.

New Rules for Indoor Gatherings (EO 152)

With respect to indoor gatherings on both public and private property, including religious services, EO 152 bans such gatherings unless they comply with all of the following rules:

1. The gathering is limited to 25% of the capacity of the room in which it takes place and, regardless of the capacity of the room, cannot exceed 50 persons.
2. All attendees 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.
3. If the event has organizers, those organizers must wear face coverings whenever feasible, and whenever they are within six feet of another individual, except where doing so would inhibit the individual's health.
4. All attendees 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.
5. 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.
6. If the gathering is for 10 persons or fewer, the gathering is not required to comply with the above paragraphs, except that 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.
7. Organizers 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.

8. 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.
9. 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.

New Rules for Outdoor Gatherings (EO 152)

With respect to outdoor gatherings, EO 152 bans such gatherings unless they comply with all of the following rules:

1. The number of individuals must be limited to 100 persons or fewer.
 - a. Persons remaining in vehicles do not count toward the limit.
 - b. At his press conference, the Governor announced he expects the outdoor capacity limit to be increased (subject to change) to 250 persons on June 22 and to 500 persons on July 5.
 - c. The Governor expects the capacity limit to be at 500 persons at the time when school commencement ceremonies are permitted to take place starting July 6.
2. All attendees 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.
3. 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.
4. Organizers 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.

5. 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.
6. Where the number of individuals at the gathering is 25 persons or fewer, the gathering is not required to comply with the preceding paragraphs.
7. Open-air rain tarps, tents, and other outdoor structures shall be allowed solely for protecting against foul weather or for shade.
8. All individuals 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.
9. 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.

New Rules for Outdoor Pools (EO 153)

Effective at 6:00 a.m. on Monday, June 22, 2020, outdoor swimming pools are permitted to open, provided that the pool facility complies with all standards issued by the NJ Department of Health. Pool facilities may open for the purpose of lifeguard training and swimming lessons prior to Monday, June 22, 2020.

New Rules for Outdoor Recreational Facilities and Entertainment Businesses (EO 153)

All recreational and entertainment businesses (specifically including public and private social clubs) may reopen their outdoor spaces to the public (unless otherwise prohibited EO 153) provided that the business adopts policies that include, at minimum, the requirements listed below. Notably, any recreational or entertainment business that had already been permitted to reopen its outdoor spaces to the public (i.e., outdoor archery ranges, batting cages, golf courses, golf driving ranges, shooting ranges, tennis clubs, and chartered vessels) must also comply with these rules:

1. The public is permitted only in the outdoor spaces, except as needed for entering or exiting the establishment or to use the restroom.
2. Capacity must be limited to ensure all individuals can remain six feet apart.
3. Open-air rain tarps, tents, and other outdoor structures

can be used solely for protecting against foul weather or for shade.

4. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider populations that do not have access to internet service or credit cards.
5. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensure six feet of distance between those individuals, except at the moment of payment.
6. Limit the use of equipment rented or otherwise provided by the business to one person at a time, excluding immediate family members, caretakers, household members, or romantic partners, and sanitize such equipment before and after use.
7. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line.
8. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal.
9. Provide employees break time for repeated hand-washing throughout the workday.
10. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff and customers.
11. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity.
12. Require frequent sanitization of high-touch areas including, at minimum, the cleaning protocol details specified in the Order, including when there are cases of COVID-19 infected workers, all in accordance with CDC, NJ Department of Health, and OSHA guidance.
13. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19.
14. Promptly notify workers of any known exposure at the worksite, consistent with applicable confidentiality rules.
15. The following activities must remain closed at facilities that are otherwise permitted to open:
 - Aquatic recreation facilities
 - Indoor recreational areas
 - Playgrounds

- Water fountains (those considered recreational, not those for drinking)
16. All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, all private and public social clubs, and all other holders of a liquor license with retail consumption privileges located at pool facilities and recreational businesses, including concessions, snack bars, and food trucks, shall comply with the requirements set forth in the previously issued outdoor dining protocols (EO 150).

Events Intended to Cover a Specific Time and Common Reason (EO 153)

Any type of event at an outdoor recreational and entertainment business that involves individuals who are there at a specific time and for a common reason (such as a movie, concert, sporting event, trip on a chartered vessel) must continue to follow the restrictions on outdoor gatherings in EO 152.

Amusement Parks and Arcades Must Remain Closed (EO 153)

Amusement parks and arcades that are recreational businesses or located at pool facilities must remain closed, even if they are outdoors.

However, businesses that operate an amusement game outdoors, such as a game on a boardwalk, may open so long as the game does not take place in an amusement park and an employee is present and adheres to all of the requirements of the Order, including sanitizing all equipment before and after each use.

For questions regarding these new Orders, please reach out to your Archer contact or any member of [Archer's COVID-19 Task Force](#).

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