COVID-19: New Jersey Updates as of March 22, 2020

Monday, March 23, 2020

On Saturday, March 21, 2020, Governor Murphy issued two additional Executive Orders. The Orders, Executive Order 107 and Executive Order 108 went into effect that same day at 9 p.m. They will remain in effect until revoked or modified.

Governor Murphy’s Executive Order 107 mandates that “all businesses or non-profits in the State, whether closed or open to the public, must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements.” It also mandates that New Jersey residents remain at their place of residence unless they are, among other reasons, obtaining goods or services from essential retail businesses; obtaining takeout food or beverages; seeking medical attention; or performing their job. The Order also permits all dining establishments, with or without a liquor license, and holders of a liquor license with retail consumption privileges, to operate their normal business hours and offering food delivery or take-out services only, in accordance with their existing liquor licenses. The Order also cancels all gatherings, without reference to size, and mandates that all individuals must practice social distancing, including on public transportation (should such transport be necessary). The Order also mandates that brick and mortar locations of non-essential retail businesses close, and that brick-and-mortar premises of essential businesses use social distancing practices, including reasonable efforts to
keep customers six feet apart, and the frequent use of sanitizing products on common surfaces. The Order defines essential businesses to include:

- 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;
- Pharmacies and alternative treatment centers that dispense medicinal marijuana;
- Medical supply stores;
- Retail functions of gas stations;
- Convenience stores;
- Ancillary stores within healthcare facilities;
- Hardware and home improvement stores;
- Retail functions of banks and other financial institutions;
- Retail functions of laundromats and dry-cleaning services;
- Stores that principally sell supplies for children under five years old;
- Pet stores;
- Liquor stores;
- Car dealerships, but only to provide auto maintenance and repair services, and auto mechanics;
- Retail functions of printing and office supply shops; and
- Retail functions of mail and delivery stores.

The Order also states that to the extent a business has employees that cannot perform their functions via telework or work-from-home arrangements, the business should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. The Order provides examples of employees who need to be physically present at their work site in order to perform their duties, including law enforcement officers; fire fighters, and other first responders; cashiers or store clerks; construction workers; utility workers; repair workers; warehouse workers; lab researchers; information technology maintenance workers; janitorial and custodial staff; and certain administrative staff.

The Order mandates that the following nonessential business, among others, remain closed until further notice: recreational and entertainment businesses; places of public amusement; gyms, fitness centers and classes; movie theaters; facilities where personal care services are performed, including medical spas at which solely elective and cosmetic medical procedures are performed; and indoor portions of retail shopping malls. Businesses located within shopping malls that have their own
external entrances open to the public, separate from the general mall entrance, may remain open subject to the terms of this Order for operating hours and takeout or food delivery services, but all entrances and exits to the common area portions of retail shopping malls must remain closed. The Order also clarifies that public, private, and parochial schools, including preschools, remain closed. The Order also carves an exception for the media.

**Executive Order 108** was also issued on March 21, 2020. This Order invalidates any county or municipal provisions imposed in response to COVID-19 that might conflict with, or interfere with the goals of, Order 107, and went into effect on the same day, at 9 p.m.

*Co-written by Janice Sued Agresti*

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