

Governor Murphy Signs Executive Order Establishing Rules for Indoor Dining, Indoor Recreational Facilities, and Individualized Instruction at Gyms and Fitness Centers

Order Includes COVID-19 Rules Across Businesses in Retail, Dining, and Recreation Sectors

Governor Phil Murphy today signed Executive Order No. 157, which implements the re-openings announced earlier this week that will take effect on Thursday, July 2. Specifically, the Order contains several requirements for indoor dining, which can resume on July 2 but will be limited to 25 percent capacity and patrons will be required to order and consume food or beverages while seated. The Order also contains the baseline requirements for indoor recreational and entertainment businesses, which can open on July 2 at 25 percent capacity, with the exceptions of gyms and fitness centers, movie theaters, performing arts centers, other concert venues, and indoor amusement and water parks. Further, dance floors at any business must be closed or cordoned off. Gyms and fitness centers can, however, offer individualized indoor instruction by appointment only.

“As we enter into the latter phases of stage two of our restart, we ask New Jerseyans to continue to answer the call of personal responsibility that has gotten us this far,” said Governor Murphy. “We have been actively working up to this point for weeks and are confident that the health metrics we needed to see are in place.”

The requirements for retail businesses are restated in this Order for clarity, but these requirements are unchanged, other than a clarification that the 50 percent capacity limitation will not include the retail establishment's employees. The Order comprehensively states the COVID-19-related requirements that apply to businesses in the retail, dining, and recreation sectors.

The indoor dining requirements include:

Limit the number of patrons in indoor areas to 25 percent of the food or beverage establishment's indoor capacity, excluding the food or beverage establishment's employees;

Ensure that tables where individuals or groups are seated are six feet apart in all directions from any other table or seat and that individual seats in any shared area that is not reserved for individual groups, such as an indoor bar area, are also six feet apart in all directions from any other table or seat;

Require patrons to wear face coverings while inside the indoor premises of the food or beverage establishment, except when seated at their table or in their individual seat. This requirement does not apply if the patron has a medical reason for not wearing a face covering or is a child under two years of age;

Food or beverage establishments with table service may only allow patrons to place orders when seated, and only wait staff may bring food or beverages to seated patrons;

Patrons may only consume food or beverages while seated (meaning they cannot walk around with their beverages, for example); and

Abide by all other health and safety standards issued by the Commissioner of the Department of Health, including infection control practices and other sanitization protocols, consistent with her authority under the Emergency Health Powers Act.

The Department of Health issued an updated Executive Directive today that incorporates the above

requirements and contains comprehensive health and safety standards and protocols for food or beverage establishments, including both their outdoor and indoor areas.

The Executive Order describes the requirements for recreational and entertainment businesses that can open, which include libraries, museums, aquariums, and public and private social clubs. These businesses must limit the capacity of their indoor premises to 25 percent and are held to many of the same requirements that are imposed on retail businesses (a full list of the requirements is in the Order). However, gyms and fitness centers, movie theaters, performing arts centers, other concert venues, and indoor amusement and water parks, must keep their indoor spaces closed, and dance floors at any business must be closed or cordoned off.

Gyms and fitness centers are, however, permitted to offer individualized indoor instruction by appointment only where an instructor is offering training to an individual, and the individual's immediate family members, household members, caretakers, or romantic partners. If a gym or fitness center is offering multiple simultaneous instructions at the same facility, these instructions must take place in separate rooms or, if they take place in the same room, must be separated by a floor-to-ceiling barrier that complies with all fire code requirements.

Playgrounds are also permitted to open on July 2. Additionally, personal care services that would require the removal of a face covering, such as facials, can resume on July 2 as well, subject to otherwise applicable requirements issued by the Division of Consumer Affairs and the Department of Health.

In the coming days, the Department of Health will issue standards and protocols for both indoor pools and outdoor amusement and water parks. The Division of Gaming Enforcement will issue standards and protocols for casinos, which will be open on July 2, but will be subject to additional requirements.

Please refer to the below links for guidance.

<https://nj.gov/infobank/eo/056murphy/pdf/EO-157.pdf>

https://www.nj.gov/health/legal/covid19/6-26-20_ExecutiveDirectiveNo20-019_DiningGuidance.pdf

Contact Information:

Dean Kazinci

Manager's Office

201-837-1600

dkazinci@teanecknj.gov