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"Stay at Home": An Overview of Governor Murphy's Executive Order 107

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March 23, 2020

We are living in extraordinary times, as proven by New Jersey Governor Phil Murphy's Executive Order 107, which went into effect on Saturday, March 21, 2020, at 9:00 pm.

In a nutshell, the Order directs that New Jersey residents must "stay at home" with limited exceptions, to combat the spread of the COVID-19 virus in the state.

Under New Jersey law, Executive Order 107 makes it a disorderly persons offense, subject to up to a \$1,000 fine or six months in jail, if any New Jersey resident fails to remain in their residence unless they are:

- obtaining goods or services from essential retail businesses;
- obtaining takeout food or beverages from restaurants and other food establishments;
- seeking medical attention, essential social services, or assistance from law enforcement or emergency services;
- visiting family or individuals with whom they have a close personal relationship;
- reporting to, or performing, their job;
- engaging in outdoor activities with household members while also following best social distancing practices (i.e., staying six feet apart);
- leaving the home for educational, religious, or political reasons;
- leaving because of a reasonable fear for his or her health or safety; or
- leaving at the direction of law enforcement or other government agency.

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Executive Order 107 also cancels gatherings of individuals, such as parties, celebrations, or other social events, and closes to the public the brick-and-mortar premises of all non-essential retail businesses. The following "essential retail businesses" may remain open during their normal business hours:

- 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.

Restaurants, cafeterias, dining establishments, food courts, bars, and all other holders of a liquor license with retail consumption privileges are permitted to operate during their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales are limited to original containers sold from the principal public barroom. The on-premises consumption of alcohol is prohibited.

The following recreational and entertainment businesses have also been ordered to close to the public:

- Casino gaming floors, retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue to be offered.
- Racetracks, including stabling facilities and retail sports wagering lounges. Mobile sports wagering services may continue to be offered.
- Gyms and fitness centers and classes.

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- Entertainment centers, such as movie theaters, performing arts centers, other concert venues, and nightclubs.
- All indoor portions of retail shopping malls.
- All indoors or outdoors amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions.
- Cosmetology shops, barber shops, beauty salons, hair braiding shops, nail salons, electrology facilities, spas, massage parlors, tanning salons, tattoo parlors, and public and private social clubs, including those owned or operated by the American Legion, Veterans of Foreign Wars, Knights of Columbus, and any other social clubs associated with community service organizations. Health facilities that provide medically necessary or therapeutic services are excluded.
- Municipal, county, and State public libraries, and libraries and computer labs at public and private colleges and universities.

As a general matter, all businesses and non-profits must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements through the use of technology that equips the individual to access necessary materials.

All public, private, and parochial schools must remain closed and institutions of higher education may not have in-person instruction. Some schools may be permitted by the Department of Education to remain open on a limited basis for the provision of food or other essential, non-educational services, or for educational or child-care services if needed in emergency situations.

Nothing contained in Executive Order 107 limits, prohibits, or restricts the following:

- The provision of healthcare or medical services to members of the public.
- Access to essential services for low-income residents, such as food banks.
- The operations of newspapers, television, radio, and other media services.
- The operations of law enforcement agencies.
- The operations of the federal government, or the movement of federal officials in New Jersey while acting in their official capacity.

Finally, the State Attorney General and Superintendent of the State Police may determine and control the direction of the flow of vehicular traffic on any state or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress in certain areas, and to determine the type of vehicle or vehicles to be operated on such roadways.

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