

EXECUTIVE ORDER NO. 244

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-243 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, N.J.S.A. 26:13-3(b) establishes that a public health emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 6, 2020, I issued Executive Order No. 138, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on June 4, 2020, I issued Executive Order No. 151, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on July 2, 2020, I issued Executive Order No. 162, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 1, 2020, I issued Executive Order No. 171, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on August 27, 2020, I issued Executive Order No. 180, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on September 25, 2020, I issued Executive Order No. 186, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on October 24, 2020, I issued Executive Order No. 191, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on November 22, 2020, I issued Executive Order No. 200, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on December 21, 2020, I issued Executive Order No. 210, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on January 19, 2021, I issued Executive Order No. 215, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on February 17, 2021, I issued Executive Order No. 222, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 17, 2021, I issued Executive Order No. 231, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on April 15, 2021, I issued Executive Order No. 235, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on May 14, 2021, I issued Executive Order No. 240, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, and 210 (2020), and Nos. 215, 222, 231, 235, and 240 (2021), I declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, due to the significant emergency measures the State has taken in response to COVID-19, in the summer and fall of 2020 there was a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey; and

WHEREAS, given the progress the State had made based on these emergency measures and after consultation with officials from the Department of Health ("DOH"), I announced a multi-stage New Jersey's Road Back Plan ("Road Back Plan") for the methodical

and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, in line with the Road Back Plan, the State had been able to relax a number of restrictions, each time tailored to the relative risk the activity presents, and additional restrictions on outdoor and indoor businesses were lifted over the past several months; and

WHEREAS, the fact that the spread of COVID-19 had been limited by the State's emergency measures did not previously suggest that the Public Health Emergency had dissipated, because absent certain mitigation measures, public health experts anticipated that the spread of COVID-19 would again significantly increase; and

WHEREAS, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

WHEREAS, this information, together with expanded access to testing, personal protective equipment, and other materials necessary to protect individuals from spread of the virus, as well as the ongoing COVID-19 Vaccination Plan ("Plan") discussed below, allowed the State to lift most restrictions, with exceptions for certain settings of higher concern; and

WHEREAS, over the last two months, the number of hospitalized patients has gone from over 2,300 to under 500, the number of patients in intensive care has gone from over 450 to under 100, and the number of ventilators in use has gone from over 230 to under 65; and

WHEREAS, over the two months, the number of individuals testing positive for COVID-19 has gone from approximately 3,500 per day to several hundred per day, and the weekday spot positivity of COVID-19 tests has gone from 7-8 percent to under 2 percent; and

WHEREAS, the rate of transmission in the State has remained significantly below 1 for most of the last two months; and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the Communicable Disease Service in the New Jersey DOH calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity; and

WHEREAS, the CALI Report for the week ending May 29, 2021, presented an activity level of moderate throughout most of the State, with the southeast region showing low activity level, down from high as recently as mid-April; and

WHEREAS, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

WHEREAS, as part of that Plan, New Jersey set an initial goal of fully vaccinating 70 percent of the eligible adult population in New Jersey by June 30, equating to approximately 4.7 million individuals; and

WHEREAS, the State has thus far administered approximately 9 million doses of COVID-19 vaccines, with over 4.9 million New Jerseyans having received at least one dose of a vaccine and over 4.2 million having been fully vaccinated; and

WHEREAS, vaccine supply was previously constrained, but is now sufficient to permit every eligible individual within the State reasonable access; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently issued guidance regarding social distancing and masking measures that reflects the low probability that fully vaccinated individuals will transmit the virus and emphasizes the significant protection against severe illness that the vaccine provides individuals; and

WHEREAS, given the decisive decreases in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and the continuation of the State's Plan, the State has now lifted the vast majority of restrictions that were designed to reduce transmission and spread of the virus; and

WHEREAS, despite the extensive progress made in combatting COVID-19, there remains an ongoing threat necessitating that certain actions taken pursuant to the powers granted under the EHPA, including vaccine management, administration and tracking, remain in place; and

WHEREAS, ongoing oversight of the State's vaccination program is particularly important as the rollout continues, as the State prepares for additional groups of New Jerseyans to become eligible for vaccination, and as the State prepares for the potential necessity of booster doses in the future; and

WHEREAS, the CDC continues to highlight certain settings, including schools and health care facilities, as places where mitigation protocols are necessary; and

WHEREAS, the CDC also continues to release updated recommendations regarding mitigation protocols that may require the State to modify current policies and protocols; and

WHEREAS, in light of that ongoing need, I have just signed Assembly Bill No. 5820, which ensures that essential authorities, including the power of State agencies to modify existing emergency Orders and issue new Orders for certain purposes, can continue after the termination of the Public Health Emergency declared in Executive Order No. 103 (2020) to avoid disruption in New Jersey's emergency response; and

WHEREAS, neither the legislation nor this Order diminish the existing authorities of State agencies, separate and apart from any emergency powers; and

WHEREAS, the legislation also extends the effective period for specified Executive Orders issued pursuant to Executive Order No. 103 (2020) authorities, including but not limited to Orders regarding statutory and regulatory deadline extensions that are critical to wind down in a measured and thoughtful manner; and

WHEREAS, in light of this legislation becoming law, the Public Health Emergency declared in Executive Order No. 103 (2020) can be safely and responsibly lifted; and

WHEREAS, while the State has effectively curtailed the immediate public health threat of the virus, the economic and social impacts of the virus will require ongoing management and oversight; and

WHEREAS, the State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. must remain in effect to allow for the continued management of New Jersey's recovery from and response to the COVID-19 pandemic;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM:

1. The Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., is hereby terminated.

2. The State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. continues to exist in the State of New Jersey.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
4th day of June,
Two Thousand and Twenty-one,
and of the Independence of
the United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor