

Governor Murphy Executive Order 238

"With COVID-19 numbers trending decisively in the right direction and New Jersey progressing toward its adult-age vaccination goals, Governor Murphy has announced an additional easing of restrictions, including a removal of all percentage capacity limits for indoor and outdoor businesses, a lifting of the prohibition on indoor bar seating, and an end to the outdoor gathering limit. As detailed below, some changes will take effect on Friday, May 7, with others taking effect on Wednesday, May 19, in coordination with both New York and Connecticut.

*"With our COVID-19 numbers, particularly hospitalizations, trending decisively in the right direction and our vaccination goals within reach, now is the time to take major steps to reopen our economy and loosen both indoor and outdoor gathering and capacity restrictions," **said Governor Murphy.** "We've done this the right way, in partnership with our neighboring states of New York and Connecticut, and by allowing data, science, and public health to guide our decision-making. Over these next few weeks, I encourage all remaining eligible New Jerseyans to get vaccinated so we can continue fighting back against this virus and move toward a 'new normal' for ourselves, our neighbors, and our loved ones." "With COVID-19 cases on the decline, more than 7 million vaccines administered and the good weather allowing more outdoor activities, we are able to take these steps to reopen the state," **said Health Commissioner Judith Persichilli.** "But, we can't let our guard down now. Please get vaccinated if you haven't already, practice physical distancing and wear a mask when in large crowds." Today, Governor Murphy will sign an executive order that makes the following changes effective Friday, May 7 (some of which were previously scheduled to take effect on Monday, May 10):*

- **Outdoor gatherings limit** – The limit will increase to 500 persons, up from 200.
- **Large venue outdoor capacity** – The maximum capacity allowed will increase to 50% for venues with 1,000 fixed seats or more, as long as six feet of distance is maintained, up from 30% capacity for venues with a 2,500 fixed seating capacity.
- **Increase in maximum capacity for certain indoor activities** – Currently, indoor catered events are limited to 35% of the capacity of the room in which they are held, up to 150 persons. The capacity limit for those events, including proms, will be raised to 50%, up to a maximum of 250 individuals. The capacity limit for indoor political events, weddings, funerals, memorial services, and performances will also increase accordingly.
- **Dance floors at private catered events** – Dance floors would be permitted to open at such events, with masking and social distancing requirements in place. Dance floors would remain closed at bars and other related businesses, such as nightclubs.
- **Permit carnivals and fairs to operate at the amusement business capacity** – Currently, these events may be treated like a gathering, and thus subject to more restrictive limits. Carnivals and fairs may now operate at the same capacity as large outdoor amusements.

- **Bar seating** – The prohibition on indoor bar seating will be lifted, with final guidance on necessary safeguards, such as spacing and the use of plexiglass, to follow from the New Jersey Department of Health.
- **Buffets** – The restriction on self-service food, like buffets, at restaurants, would be lifted, but individuals will still be required to remain seated while eating and drinking.

Additionally, barring an unexpected uptick in COVID-19 numbers, the following changes will go into effect on Wednesday, May 19, largely in line with actions taking place in the neighboring states of New York and Connecticut:

- **Complete removal of outdoor gathering limit** – Attendees at outdoor gatherings will still be required to remain six feet apart from other groups.
- **Indoor gathering limit** – The general indoor gathering limit will be raised to 50 persons, up from 25 persons. The limit applies to general social gatherings, such as birthday parties and events in people’s homes. Commercial gatherings and gatherings organized and operated by an overseeing entity (e.g. conferences, expositions, meetings of fraternal organizations, job trainings, events hosted by senior centers) will be subject to the 250-person indoor gathering limit that applies to indoor catered events, as long as all attendees can remain six feet apart.
- **Complete removal of all percentage capacity limits for indoor and outdoor businesses, and houses of worship** – Any business, whether indoors or outdoors, that is subject to a percentage capacity limitation will instead be guided by the rule regarding six feet of distance between persons or groups of persons. This would include:
 - ❖ *Indoor dining* – Currently, indoor dining is limited to 50% capacity. This change will remove the 50% limitation but maintain the six feet of required distance between tables, except that tables will still be permitted to be closer than six feet where restaurants use partitions that comply with DOH requirements. Additionally, the prohibition on tables of more than 8 persons will be lifted. As a reminder, outdoor dining has never been bound to a capacity percentage.
 - ❖ *Houses of worship and religious services, which are currently at 50% capacity.*
 - ❖ *Retail businesses, which are currently at 50% capacity.*
 - ❖ *Gyms, which are currently at 50% capacity.*
 - ❖ *Personal care services, which are currently at 50% capacity.*
 - ❖ *Indoor and outdoor amusement and recreation businesses, which are both currently limited to 50% capacity.*
 - ❖ *Indoor and outdoor pools, which are both currently limited to 50% capacity.*
 - ❖ *Indoor catered events, funerals, memorial services, performances, and political activities* – Per today’s Executive Order, these events will be limited to 50% of a room’s capacity, up to 250 individuals. Beginning on Wednesday, May 19, the 250-person limit will remain in place, but there will be no percentage-based capacity restrictions. Individuals and groups will need to remain six feet apart.

- **Indoor large venue capacity** – *The capacity limit for indoor large venues will increase from 20% to 30% and the definition of a large venue would shift from those with 2,500 fixed seats to those with 1,000 fixed seats. The requirement that individuals or groups of individuals that purchase tickets together remain six feet apart would remain in place.*