

ASSEMBLY, No. 3976

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

“Healthy Citizens and Healthy Business Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2020)

1 AN ACT concerning the safe return of non-essential retail business
2 within the State during the coronavirus disease 2019 health crisis.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “Healthy
8 Citizens and Healthy Business Act.”

9

10 2. As used in this act:

11 “Non-essential retail business” means any business closed by
12 Executive Order No. 107 of 2020.

13 “Department” means the Department of Health.

14

15 3. A non-essential retail business may resume operation by:

16 a. Complying with all rules and regulations of the department,
17 and following guidelines of:

18 (1) the Centers for Disease Control and Prevention; and

19 (2) the Occupational Safety and Health Administration.

20 b. Implementing, or continuing, a paid sick-leave policy as
21 follows:

22 (1) if an employee has symptoms of coronavirus disease 2019, the
23 employee:

24 (a) shall be placed on leave immediately upon the exhibition of
25 symptoms; and

26 (b) shall remain on leave until a physician indicates that return to
27 employment is safe.

28 (2) If a member of an employee’s household is ill, the employee
29 may be placed on leave to care for the ill individual.

30 (3) A positive test result for coronavirus disease 2019 is not
31 required to take sick leave.

32 c. Ensuring that there is a minimum of six feet between any
33 person at the business.

34 d. Implementing sanitary policies and a regular cleaning
35 schedule to reduce exposure to coronavirus disease 2019, including:

36 (1) disinfecting restrooms, workspaces, and areas with access to
37 the public; and

38 (2) maintaining adequate tissues, hand sanitizers, gloves, medical
39 masks, and other necessary sanitary products.

40 e. Allowing as many employees as possible to work from home,
41 including those living with an individual who is at high risk of
42 suffering severe consequences from contracting coronavirus disease
43 2019.

44 f. Entitling employees who work from home to any applicable
45 leave laws in the State.

46 g. Conducting meetings online as much as possible.

47 h. Implementing minimal staffing.

48 i. Limiting interaction with individuals who are not employees.

- 1 j. Striving to increase ventilation and circulation.
- 2 k. Not permitting an employee to work in an area open to the
3 public if any of the following is in the employee’s household:
- 4 (1) An individual who is ill. The prohibition under this paragraph
5 shall continue until a physician indicates that a return to employment
6 is safe.
- 7 (2) An individual who is at high risk of suffering severe
8 consequences from contracting coronavirus disease 2019.
- 9 l. Not permitting employees to share tools, equipment, desks or
10 chairs.
- 11 m. Closing break rooms and dining areas.
- 12
- 13 4. Any person who violates this act shall be subject to a fine of
14 \$500, to be collected by the department in a civil action by a summary
15 proceeding under the “Penalty Enforcement Law of 1999,”
16 P.L.1999, c.274 (C.2A:58-10 et seq.).
- 17
- 18 5. The department shall adopt rules and regulations pursuant to
19 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
20 seq.), to effectuate the purposes of this act.
- 21
- 22 6. This act shall take effect immediately and shall expire 90 days
23 following the expiration of Executive Order No. 107 of 2020.
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- 25

26 STATEMENT

27

28 This bill, named the “Healthy Citizens and Healthy Business Act,”
29 concerns the return of non-essential business within the State during
30 the coronavirus disease 2019 (COVID-19) health crisis.

31 The United States of America and this State are confronting the
32 viral disease known as COVID-19, which has necessitated certain
33 emergency measures to curtail its spread. This includes keeping a
34 distance of at least six feet between other persons and maintaining
35 sanitary health practices, such as frequent hand washing. These
36 emergency measures are critical in order to protect our hospitals from
37 being overburdened.

38 As part of these emergency measures, on March 21, 2020, the
39 Governor signed Executive Order No. 107, which directs all residents
40 to stay at home until further notice and closes all non-essential
41 businesses to the public. This order, which was signed with the hope
42 of reducing the spread of COVID-19, impacts tens of thousands of
43 businesses and reduces the economic well being of a significant
44 portion of our citizens. Those impacted most severely include single
45 parent families; young couples; independently employed individuals
46 (who are not eligible for unemployment); nonprofit businesses; and
47 small businesses. Due to the severe impact of this order, there is a
48 real and present danger that the cure may be worse than the virus.

1 There is a better scientific approach to balance the preventative
2 measures used to blunt the spread of COVID-19 while allowing
3 closed businesses to resume operations. Under this bill, non-essential
4 retail businesses that are closed under Executive Order 107 may
5 reopen if they comply with all rules and regulations from the New
6 Jersey Department of Health, the Centers for Disease Control (CDC),
7 and the Occupational Safety and Health Administration (OSHA).
8 Additionally, businesses that resume operations must agree to
9 implement a paid sick leave policy that follows the healthy practices
10 delineated by both the CDC and OSHA. This includes requiring:

- 11 • Employees who develop COVID-19 symptoms (i.e., fever,
12 cough, or shortness of breath) to be sent home and not
13 allowing them to return until cleared by a healthcare
14 professional.
- 15 • Employees with sick family members, or family members at
16 higher risk (elderly, those with a weakened immune system,
17 heart conditions, respiratory disease, chronic medical
18 condition, diabetes, etc.) to work outside of public areas.

19 A non-essential retail business must also agree to:

- 20 • A work from home policy, if practicable.
- 21 • A minimum of six feet between workers, as well as six feet
22 maintained between the employee and the public.
- 23 • Implementing sanitary policies and a regular cleaning
24 schedule to reduce exposure to COVID-19.
- 25 • Conducting meetings online as much as possible.
- 26 • Increasing ventilation and circulation of workspaces.
- 27 • Closing break rooms and dining areas.
- 28 • Prohibiting shared use of tools, equipment, desks, or chairs.

29 The COVID-19 health crisis is serious and deadly. By mandating
30 the implementation of these policies, the safety of the citizens of this
31 State will be ensured while also allowing businesses to survive.