[First Reprint]

ASSEMBLY, No. 4910

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

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SYNOPSIS

Establishes county-based mitigation plan to allow businesses to operate during pandemic.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 20, 2021.

(Sponsorship Updated As Of: 5/20/2021)

AN ACT concerning public health emergencies and supplementing P.L.2005, c.222.

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

1. As used in this act:

"Pandemic" means the spread of an infectious disease across countries or continents as declared by the World Health Organization to be a pandemic.

"Business" means any establishment offering a good or service to the public.

2. The Legislature finds and declares that:

a. Since the first reported case in March of 2020, this State has been confronting the coronavirus disease 2019 (COVID-19) pandemic, which has necessitated certain public health measures to curtail its spread.

b. The measures used to curtail the spread of COVID-19 include the closure and limitation of certain businesses, and implementation of social distancing guidelines, which are being implemented uniformly across the State.

c. The continued use of uniform measures in the State ignores the geographic variations in positive cases, hospitalizations, and transmission rates.

d. Ignoring the geographic variations of COVID-19's spread negatively affects businesses that can safely operate in areas of low risk in the State.

e. A geographic approach using appropriate established metrics to analyze the spread of a disease can allow businesses to operate and re-open safely in low-risk areas while slowing the spread of disease.

f. Having transparent metrics with established thresholds at which restrictions will be imposed or lifted helps business owners and residents plan for the future and understand the need for complying with public health measures in their local area.

g. Globalization and the increasing convenience of travel allow infectious diseases to spread rapidly, creating the possibility that pandemics may become more frequent in the future.

h. Establishing a permanent framework to allow businesses to operate during a pandemic, while mitigating its spread, can help businesses to survive and continue operations while protecting the health and safety of citizens of this State.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly floor amendments adopted May 20, 2021.

3. a. Notwithstanding any law, rule, or regulation to the contrary, the Governor, in consultation with the Commissioner of Health, shall develop and implement a mitigation plan to allow businesses to operate during a pandemic that is affecting the State. This plan shall:

(1) use empirical data, over a seven-day rolling average, to determine the spread of the disease within the State's 21 counties and to develop categories of risk pursuant to paragraph (2) of subsection a. of this section. The data used shall include, but not be limited to:

(a) the number of new cases per 100,000 persons per day in each county;

(b) hospital capacity in each county;

(c) positivity rates among those tested for the disease;

(d) the number of those hospitalized with either a confirmed or suspected case of the disease; and

(e) the effective reproduction number for the disease;

(2) categorize the risk of the disease spreading within the State by color and establish appropriate thresholds for reaching each category. The following colors shall be used as a category of risk:

(a) red, which shall indicate that there is an active outbreak and is the highest level of risk;

(b) yellow, which shall indicate that the risk of an outbreak is moderate; and

(c) green, which shall indicate that the risk of an outbreak is low;

(3) assign one of the categories of risk in paragraph (2) of subsection a. of this section to each of the State's 21 counties and 565 municipalities, with additional consideration given to a county containing a jail, university, or other large congregate facility;

(4) establish guidelines detailing the restrictions to be imposed on businesses under each risk category; and

(5) restrict business activity within a county based on the risk category assigned to the area. For an affected county with a population density greater than 1,500 persons per square mile, the Governor may restrict business activity countywide or by municipality. If an affected county has a population density beneath 1,500 persons per square mile, the Governor shall restrict business activity by each municipality within that county. Notwithstanding the Governor's restrictions, a municipality within an affected county may further restrict business activity within its boundaries if the municipality has reason to believe, based on empirical data in paragraph (1) of subsection a. of this section, that it should be subject to restrictions beyond those established under this section.

b. The Governor shall have the authority to summarily suspend the gaming operations of casino licensees within the State pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) and P.L.1942, c.251

(C.App.A:9-33 et seq.) as part of the restrictions that the Governor may implement under this section. **[1]**[A holder of a liquor license, pursuant to P.L.1953, c.32 (C.33:1-1 et seq.), with retail consumption privileges and operating a restaurant, cafeteria, bar, or other food or beverage establishment, with an outdoor area, is exempt from fines imposed pursuant to P.L.1955, c.80 (C.33:1-31) for violating outdoor customer seating restrictions established by an executive or administrative order issued by the Governor or commissioner.**]**[1]

c. Restrictions pertaining to each category of risk and the data trends of each county shall be published on the Department of Health website to provide transparency for affected business owners and the public. A county assigned to a category higher than green shall not be reassigned to a lesser category without a three-week evaluation of the area's empirical data to determine its progress.

4. This act shall take effect immediately.