

SENATE, No. 2343

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Singer, Connors and Addiego

SYNOPSIS

Creates monetary penalty for violating social mitigation strategy of barring or limiting social gatherings, implemented pursuant to “Emergency Health Powers Act,” or government order issued pursuant to act, during declared public health emergency under act.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2020)

1 **AN ACT** creating a monetary penalty for violating certain provisions
2 of the “Emergency Health Powers Act,” P.L.2005, c.222
3 (C.26:13-1 et seq.), or certain government orders issued pursuant
4 to that act, during a declared public health emergency under the
5 act, and amending P.L.2005, c.222.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. Section 27 of P.L.2005, c.222 (C.26:13-27) is amended to
11 read as follows:

12 27. The commissioner shall have the power to enforce the
13 provisions of **[this act]** the “Emergency Health Powers Act,”
14 P.L.2005, c.222 (C.26:13-1 et seq.) through the issuance of orders
15 and such other remedies as are provided by law. Additionally, a
16 person who willfully or knowingly violates any provision of the act,
17 or any order issued pursuant to the act, that relates to a social
18 mitigation strategy barring all indoor or outdoor social gatherings
19 or, if still permitted, hosts or participates in any indoor or outdoor
20 social gathering with a number of people that exceeds the number
21 permitted to gather, which provision or order is intended to prevent
22 the transmission or spread of an infectious disease, biological agent,
23 toxic chemical from a chemical weapon, radioactive material from a
24 nuclear or radiological device, or overlap agent or toxin, during a
25 public health emergency declared by the Governor in accordance
26 with section 3 of P.L.2005, c.222 (C.26:13-3) shall be liable for a
27 penalty of not less than \$5,000 and not more than \$10,000. The
28 penalty shall be sued for and collected by the commissioner, along
29 with all costs associated with the commissioner’s enforcement
30 action, in a summary proceeding before the Superior Court or
31 municipal court with territorial jurisdiction over the action pursuant
32 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
33 (C.2A:58-10 et seq.).

34 (cf: P.L.2005, c.222, s.27)

35
36 2. This act shall take effect immediately.

37 38 39 STATEMENT

40
41 This bill would establish a monetary penalty, of not less than
42 \$5,000 and not more than \$10,000, for any person who willfully or
43 knowingly violates any provision of the “Emergency Health Powers
44 Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or any order issued
45 pursuant to the act, that relates to a social mitigation strategy

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.

1 barring all indoor or outdoor social gatherings or, if still permitted,
2 hosts or participates in any indoor or outdoor social gathering with
3 a number of people that exceeds the number permitted to gather,
4 which provision or order is intended to prevent the transmission or
5 spread of an infectious disease, biological agent, toxic chemical
6 from a chemical weapon, radioactive material from a nuclear or
7 radiological device, or overlap agent or toxin, during a public health
8 emergency declared by the Governor under the act. The penalty
9 would be sued for and collected by the Commissioner of Health,
10 along with all costs associated with the commissioner's
11 enforcement action, in a summary proceeding before the Superior
12 Court or municipal court with territorial jurisdiction over the action
13 pursuant to the "Penalty Enforcement Law of 1999,"
14 P.L.1999, c.274 (C.2A:58-10 et seq.).

WITHDRAWN