

SENATE, No. 4313

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 6, 2022

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits certain administrative orders, directives, and waivers issued for the COVID-19 public health emergency to be extended for 45 days.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the expiration of certain administrative orders,
2 directives, and waivers issued for the COVID-19 public health
3 emergency and amending P.L.2021, c.103.

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

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8 1. Section 3 of P.L.2021, c.103 (C.26:13-34) is amended to read
9 as follows:

10 3. a. Following the termination of the public health emergency
11 declared by the Governor in Executive Order No. 103 of 2020, as
12 extended, the force and effect of any administrative order, directive,
13 or waiver issued by the head of a State agency that relied on the
14 existence of the public health emergency declared by the Governor
15 in Executive Order No. 103 of 2020, as extended, shall expire on
16 January 11, 2022. Such administrative order, directive, or waiver
17 may be continued and may be modified by the head of a State agency,
18 unless such administrative order, directive, or waiver is explicitly
19 revoked, until January 11, 2022.

20 b. Notwithstanding subsection a. of this section, the Governor
21 shall notify the Legislature by January 1, 2022 if the Governor
22 determines that it is necessary or appropriate to continue for an
23 additional **【90】** 45 days beyond January 11, 2022 any administrative
24 order, directive, or waiver issued by the head of a State agency that
25 relied on the existence of the public health emergency declared by
26 the Governor in Executive Order No. 103 of 2020, as extended. The
27 administrative orders, directives, or waivers shall be extended for an
28 additional **【90】** 45 days if each House of the Legislature passes a
29 concurrent resolution to continue any such administrative order,
30 directive, or waiver. Any administrative order, directive, or waiver
31 as to which the Governor does not provide notification to the
32 Legislature or as to which both Houses of the Legislature do not pass
33 a concurrent resolution to continue shall expire on January 11, 2022.

34 c. Notwithstanding subsection a. of this section, the provisions of
35 any administrative order, directive, or waiver issued by the
36 Department of Health that relied on the existence of the public health
37 emergency declared by the Governor in Executive Order No. 103 of
38 2020, as extended, governing staffing ratios, overtime, shifts, and
39 vacation time shall remain in force and effect until September 1,
40 2021, at which time all such provisions of administrative orders,
41 directives, and waivers governing staffing ratios, overtime, shifts,
42 and vacation time shall be superseded by relevant provisions of laws,
43 regulations, or collective bargaining agreements in effect on that
44 date.

45 (cf: P.L.2021, c.103, s.3)

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 2. This act shall take effect immediately.

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STATEMENT

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6 Under current law (P.L.2021, c.103), the COVID-19 Public Health
7 Emergency ended on July 4, 2021, except that certain administrative
8 orders, directives, and waivers issued in response to the public health
9 emergency were extended until January 11, 2022. However, current
10 law also provides that following the termination of the COVID-19
11 Public Health Emergency, the Governor must notify the Legislature
12 by January 1, 2022 if the Governor determines that it is necessary or
13 appropriate to continue for an additional 90 days beyond January 11,
14 2022 any administrative order, directive, or waiver issued by the head
15 of a State agency that relied on the existence of the public health
16 emergency. Under current law, the administrative orders, directives,
17 or waivers would be extended for an additional 90 days if each House
18 of the Legislature passes a concurrent resolution to continue the
19 administrative order, directive, or waiver.

20 This bill permits certain administrative orders, directives, and
21 waivers issued for the COVID-19 public health emergency to be
22 extended for 45 days (until February 25, 2022) instead of 90 days
23 (until April 11, 2022), which is current law.