

How do Executive Orders No. 107 and 108 on closures and social distancing affect my business?



Written by Business.NJ.gov Team

Updated in the last 15 minutes

New Jersey announced Executive Order No. 107 on Saturday, March 21, 2020, effective at 9:00 p.m., containing new standards for businesses which supersede previous announcements.

- Gatherings of individuals, such as parties, celebrations, or other social events, are cancelled unless explicitly authorized by Executive Order 107. CDC guidance defines a gathering to include conferences, large meetings, parties, festivals, parades, concerts, sporting events, weddings, and other types of assemblies.
- Non-essential retail businesses must close storefront and/or brick-and-mortar premises operations while Executive Order 107 is in effect. And all recreational and entertainment businesses must close to the public, including: Casinos; Racetracks; Gyms and fitness

centers; Entertainment centers such as movie theaters, performing arts centers, concert venues, and nightclubs; Indoor portions of retail shopping malls; and Places of public amusement. Business may continue any on-line operations.

- Personal-care businesses that by their very nature result in noncompliance with social distancing must be closed to the public and remain closed as long as this Order remains in effect. This includes: Barbershops; Hair salons; Spas; Nail and eyelash salons; Tattoo parlors; Massage parlors; Tanning salons; and Public and private social clubs.
- Bars and restaurants in New Jersey must be closed for on-premise service and may provide take-out and delivery service only. Drive-throughs, take-out, delivery offered by restaurants, and other delivery services can continue to operate.

Certain essential businesses and facilities are considered exempt from these closures:

- Essential retail businesses that are exempt from the mandate to cease storefront operations include: Grocery stores, farmer's markets and farms that sell directly to customers, and other food stores, including retailers that offer a varied assortment of foods comparable to what exists as a grocery store; Pharmacies and medical marijuana dispensaries; Medical supply stores; Gas stations; Convenience stores; Ancillary stores within healthcare facilities; Hardware and home improvement stores; Vehicle rental locations; Banks and other financial institutions with retail functions; Laundromats and dry-cleaning services; Stores that principally sell supplies for children under five years; Pet stores and veterinary

service locations; Car dealerships, but only for auto maintenance and repair, and auto mechanics; Printing and office supply shops; Mail and delivery stores; and Liquor stores.

- All businesses or non-profits must accommodate their workforce for telework or work from home arrangements wherever practicable. To the extent they have employees who need to be on site, they should operate with the minimal number of on-site employees as possible to ensure critical operations can continue. Examples of such employees include cashiers or store clerks, construction workers, utility workers, repair workers, warehouse workers, lab researchers, IT maintenance workers, janitorial and custodial staff, and certain administrative staff.
- Manufacturing, industrial, logistics, ports, heavy construction, shipping, food production, food delivery, and other commercial operations may continue operating, but as explained above, they should limit staff on site to the minimal number to ensure that essential operations can continue.
- Medical facilities may continue to operate. Medical facilities include any facility where a sick or injured person is given care or treatment, such as: doctor's offices, hospitals, dentist offices, long-term care facilities, and other medical offices.

Employees reporting to work are permitted to travel to and from their place of business. Businesses are encouraged to give each employee a letter indicating that the employee works in an industry permitted to continue operations.

Governor Murphy also signed Executive Order No. 108, which invalidates any county or municipal restriction that in any way

will or might conflict with any of the provisions of Executive Order No. 107. This is effective at 9 p.m. on Saturday, March 21, 2020, as well. The only exceptions are two categories over which municipalities or counties may impose any additional restrictions: 1) online marketplaces for arranging or offering lodging; and 2) municipal or county parks.

If you believe that your retail business or operations are unique and should be included as "essential," you may submit it to the State Director of Emergency Management, who is the Superintendent of State Police. The Director has the discretion to make additions, amendments, clarifications, exceptions, and exclusions to these lists.

If a business is not following social distancing guidelines, you can report the business by contacting your Local Health Department, which you can identify with the [Find Your Local Health Department](#) tool.

Updated: March 21, 2020

Source: Executive Order Nos. 107 and 108