

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5133

STATE OF NEW JERSEY

DATED: JANUARY 13, 2021

The Assembly Commerce and Economic Development Committee reports favorably an Assembly Committee Substitute for Assembly, No. 5133.

The Assembly Committee Substitute for Assembly Bill No. 5133 addresses the indoor operation of food or beverage establishments, and of banquet and weddings venues, during the public health emergency declared in response to the coronavirus disease 2019 pandemic. The substitute requires food or beverage establishments, and banquet or wedding venues, to limit the number of persons who may be served indoors to 25 percent of the establishment's or venue's capacity. However, if an establishment or venue undertakes specific measures designed to mitigate the risks of spreading coronavirus disease 2019, the establishment or venue may provide indoor service to persons representing 50 percent of the establishment's or venue's capacity.

The bill defines the term "food or beverage establishment" to include restaurants, cafeterias, dining establishments, and food courts; bars; and other holders of a liquor license with retail consumption privileges.

Under the bill, within regions of the State that have a moderate or lower level of coronavirus disease 2019 activity, an establishment or venue may provide indoor service to a number of persons comprising 50 percent of the establishment's or venue's capacity if the establishment or venue institutes:

(i) employee protocols to monitor for signs and symptoms of coronavirus disease 2019;

(ii) a policy requiring the business to suspend operations immediately for cleaning and disinfection if someone with coronavirus disease 2019 is on the premises;

(iii) a sick leave policy;

(iv) a "six feet" social distancing policy;

(v) a policy to erect physical barriers if it is not possible to maintain a "six feet" social distancing policy;

(vi) a limit to the number of persons that may occupy a restroom at the same time, and that may be seated together at the same time;

(vii) an employee hand-washing policy;

(viii) the installation of hand-sanitizer dispensers or stations at the entrance to, and throughout, the establishment or venue;

(ix) a mask policy;

(x) ventilation protocols;

(xi) cleaning and disinfection protocols;

(xii) signage protocols; and

(xiii) communication and training protocols.

An establishment or venue must also:

(i) install barriers between each table;

(ii) limit parties dining together to 10 or fewer individuals;

(iii) inform the board of health of the establishment's or venue's capacity; and

(iv) shut down immediately to clean and disinfect upon identifying a presumptive positive or positive case of coronavirus disease 2019 by an employee, guest, visitor, or vendor.

Additionally, the bill requires an establishment or venue to conduct contact tracing upon identifying a dine-in customer with a presumptive positive case or a positive case of coronavirus disease 2019. This requirement would not apply to customers who order takeout or delivery from an establishment or venue.

If a region's activity level of coronavirus disease 2019 increases above moderate, according to the Department of Health, all establishments and venues within the region must decrease their indoor operations to a maximum of 25 percent capacity of the establishment's or venue's capacity.