

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 5133**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably a committee substitute for Assembly Bill No. 5133, with committee amendments.

As amended, this bill 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. As amended, the bill sets a default capacity percentage at the level that the Governor permits in an executive order issued in response to coronavirus disease 2019.

As amended, the bill requires food or beverage establishments, and banquet or wedding venues, to limit the number of persons who may be served indoors to 50 percent of the establishment's or venue's capacity, if the establishment or venue undertakes specific measures designed to mitigate the risks of spreading coronavirus disease 2019 and the establishment or venue is located in an area in which the COVID-19 activity level is higher than low but not higher than moderate. However, if an establishment or venue undertakes specific measures designed to mitigate the risks of spreading coronavirus disease 2019 and the establishment or venue is located in a low COVID-19 activity level area, the establishment or venue may provide indoor service to persons at full capacity 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 low level of coronavirus disease 2019 activity, an establishment or venue may provide indoor service to a number of persons at full capacity 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.

As amended, the county board of health has the ability to shut down establishments or venues in violation or reduce capacity of the establishment or venue.

As amended, the bill provides that an establishment or venue will not have to comply with the provisions of the bill if the Governor issues an executive order permitting operation at a higher capacity without compliance.

Finally, as amended, the county board of health can seek assistance from State officials or appropriate political subdivisions to help them implement the provisions of the bill.

#### COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to provide that:

1. The county board of health can shut down establishments or venues in violation, as an alternative to reducing capacity of the establishment or venue;

2. The county board of health has 14 days, instead of seven, to make an eligibility determination, and that if the board determines that the establishment or venue has provided insufficient information to make an eligibility determination, then the establishment or venue will have 7 days thereafter to provide the necessary information;

3. The default capacity percentage should be the capacity level permitted by the Governor;

4. If the establishment or venue adheres to the requirements for increased capacity and is located within in an area where the COVID-19 activity is designated as “low,” then it can operate at 100 percent capacity;

5. If the establishment or venue adheres to the requirements for increased capacity and is located within in an area where the COVID-19 activity is designated as above “low” but not higher than “moderate,” then it can operate at 50 percent capacity;

6. The county board of health can seek assistance from State officials or appropriate political subdivisions to help them implement the provisions of the bill; and

7. An establishment or venue will not have to comply with the provisions of the bill if the Governor issues an executive order permitting operation at a higher capacity without compliance

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.