

# ASSEMBLY, No. 5136

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Benson**

**SYNOPSIS**

Concerns restaurant safety during coronavirus disease 2019 pandemic.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/13/2021)**

1 AN ACT concerning restaurant safety during the coronavirus disease  
2 2019 pandemic.

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

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7 1. Restaurants, cafeterias, dining establishments, and food  
8 courts, with or without a liquor license, bars, and all other holders  
9 of a liquor license with retail consumption privileges, collectively  
10 referred to as “food or beverage establishments,” may offer in-  
11 person service at indoor areas, provided that the establishment  
12 complies with the requirements of this section. In order to offer in-  
13 person service in an indoor area, a food or beverage establishment  
14 shall:

15 a. Limit the number of patrons in indoor areas to the capacity  
16 limit established pursuant to Executive Order No. 183 or any  
17 subsequent Executive Order or law concerning the capacity limits  
18 of food or beverage establishments during the coronavirus disease  
19 2019 pandemic, excluding the food or beverage establishment’s  
20 employees;

21 b. (1) Ensure that tables where individuals or groups are seated  
22 are six feet apart in all directions from any other table or seat and  
23 that individual seats in any shared area that is not reserved for  
24 individual groups, such as an indoor bar area, are also six feet apart  
25 in all directions from any other table or seat, or;

26 (2) if six feet of distance is not feasible, ensure that a seating  
27 area be separated by a physical barrier to minimize contact:  
28 physical barrier options include plexiglass or other non-porous  
29 dividers or partitions, the barriers shall be between five and six feet  
30 high, shall not be within 18 inches of a sprinkler head or block  
31 emergency or fire exits, and shall not restrict airflow throughout the  
32 restaurant;

33 c. Require indoor patrons to wear face coverings while inside  
34 the indoor premises of the food or beverage establishment, until  
35 their food or drinks arrive and after individuals have finished  
36 consuming their food or drinks, unless the patron has a medical  
37 reason for not wearing a face covering or is a child under two years  
38 of age;

39 d. Only allow patrons to place orders for indoor table service  
40 when they are seated at a table or bar, and require wait staff or other  
41 employees to bring food or beverages to seated patrons;

42 e. Only allow patrons to consume food or beverages while  
43 seated; and

44 f. Abide by all other health and safety standards issued by the  
45 Commissioner of the Department of Health consistent with her  
46 authority under the Emergency Health Powers Act, including  
47 infection control practices and other sanitation protocols.

1       2. This act shall take effect immediately and shall expire upon  
2 the expiration of Executive Order No. 103, or any extension thereof  
3 or any replacement therefor.

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STATEMENT

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8       This bill concerns restaurant safety during the coronavirus  
9 disease 2019 pandemic. The bill reproduces the section of  
10 Executive Order No. 183 of September 1<sup>st</sup>, 2020, that concerns  
11 indoor dining at food or beverage establishments. The bill  
12 reproduces the safety regulations of that executive order, including  
13 limiting the number of patrons in an establishment to 25% of their  
14 indoor capacity, ensuring that seating is separated by six feet from  
15 other seating, requiring patrons to wear facial coverings, only  
16 allowing patrons to order or consume food or drinks when they are  
17 seated, only allowing food or drink delivery by employees, and  
18 abide by other health and safety regulations.

19       The bill adds the option for seating to be separated by a physical  
20 barrier instead of being separated by a distance of six feet. This is  
21 intended to allow restaurants in physically smaller spaces to meet  
22 their capacity.

23       The bill expires upon the termination of Executive Order  
24 No. 183.