

ASSEMBLY, No. 5777

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 18, 2021

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Provides for termination of public health emergency declared by Governor to address COVID-19 pandemic.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the termination of the public health emergency
2 declared by the Governor to address the COVID-19 pandemic and
3 supplementing Title 26 of the Revised Statutes.

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

7
8 1. All executive orders issued by the Governor prior to the
9 effective date of this act that relied on the existence of the public
10 health emergency declared by the Governor in Executive Order No.
11 103 of 2020 shall expire 30 days following the effective date of this
12 act, with the exception of the executive orders listed in this section
13 that shall remain in effect until January 1, 2022. The Governor shall
14 have the ability to revoke or modify the executive orders listed in this
15 section prior to January 1, 2022.

- 16 (1) Executive Order No. 106 (2020)
17 (2) Executive Order No. 111 (2020)
18 (3) Executive Order No. 112 (2020)
19 (4) Executive Order No. 123 (2020)
20 (5) Executive Order No. 127 (2020)
21 (6) Executive Order No. 150 (2020)
22 (7) Executive Order No. 159 (2020)
23 (8) Executive Order No. 170 (2020)
24 (9) Executive Order No. 178 (2020)
25 (10) Executive Order No. 192 (2020)
26 (11) Executive Order No. 207 (2020)
27 (12) Executive Order No. 229 (2021)
28 (13) Executive Order No. 233 (2021)
29 (14) Executive Order No. 237 (2021)

30 (15) The most recent executive order containing general
31 COVID-19 mitigation measures regarding masking, social
32 distancing, and gatherings prior to the effective date of this act and
33 this executive order shall only be modified in a manner to provide
34 less restrictive measures, unless an increase in hospitalizations,
35 increased spot positivity, or rate of transmission above 1 necessitates
36 a modification that would be more restrictive.

37
38 2. Following the termination of the public health emergency
39 declared by the Governor in Executive Order No. 103 of 2020, as
40 extended, the force and effect of any administrative order, directive,
41 or waiver issued by the head of a State agency while the public health
42 emergency declared by the Governor in Executive Order No. 103 of
43 2020, as extended, was in effect shall be continued and may be
44 modified by the head of a State agency until such administrative
45 order, directive, or waiver is explicitly revoked.

46
47 3. The termination of the public health emergency declared by
48 the Governor in Executive Order No. 103 of 2020, as extended, shall

1 in no way diminish, limit, or impair the powers of the Governor or
2 the head of a State agency pursuant to the provisions of the civilian
3 defense and disaster control act P.L.1942, c.251 (C.App.A:9-
4 33 et seq.). The state of emergency declared in Executive Order No.
5 103 of 2020 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) shall
6 remain in effect until terminated by the Governor.

7
8 4. Following the termination of the public health emergency
9 declared by the Governor in Executive Order No. 103 of 2020, as
10 extended, the Governor, Commissioner of Health, and the head of
11 any other State agency may issue orders, directives, and waivers
12 pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) related to (1)
13 vaccination distribution, administration, and management, (2)
14 COVID-19 testing, (3) health resource and personnel allocation, (4)
15 data collection, retention, sharing, and access, (5) coordination of
16 local health departments, and (6) implementation of any applicable
17 recommendations of the Centers for Disease Control and Prevention
18 to prevent or limit the transmission of COVID-19, including in
19 specific settings.

20

21 5. This act shall take effect immediately.

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STATEMENT

25

26 Under this bill, all executive orders issued by the Governor prior
27 to the effective date of this bill that relied on the existence of the
28 public health emergency declared by the Governor in Executive
29 Order No. 103 of 2020 will expire 30 days following the effective
30 date of this bill, with the exception of the executive orders listed
31 below that will remain in effect until January 1, 2022. The Governor
32 will have the ability to revoke or modify the executive orders listed
33 prior to January 1, 2022.

34 Executive Order No. 106 (2020)

35 Executive Order No. 111 (2020)

36 Executive Order No. 112 (2020)

37 Executive Order No. 123 (2020)

38 Executive Order No. 127 (2020)

39 Executive Order No. 150 (2020)

40 Executive Order No. 159 (2020)

41 Executive Order No. 170 (2020)

42 Executive Order No. 178 (2020)

43 Executive Order No. 192 (2020)

44 Executive Order No. 207 (2020)

45 Executive Order No. 229 (2021)

46 Executive Order No. 233 (2021)

47 Executive Order No. 237 (2021)

1 The most recent executive order containing general COVID-19
2 mitigation measures regarding masking, social distancing, and
3 gatherings prior to the effective date of this bill and this executive
4 order will only be modified in a manner to provide less restrictive
5 measures, unless an increase in hospitalizations, increased spot
6 positivity, or rate of transmission above 1 necessitates a modification
7 that would be more restrictive.

8 Following the termination of the public health emergency declared
9 by the Governor in Executive Order No. 103 of 2020, as extended,
10 the force and effect of any administrative order, directive, or waiver
11 issued by the head of a State agency while the public health
12 emergency declared by the Governor in Executive Order No. 103 of
13 2020, as extended, was in effect will be continued and may be
14 modified by the head of a State agency until such administrative
15 order, directive, or waiver is explicitly revoked.

16 The bill specifies that the termination of the public health
17 emergency declared by the Governor in Executive Order No. 103 of
18 2020, as extended, will in no way diminish, limit, or impair the
19 powers of the Governor or the head of a State agency pursuant to the
20 provisions of the civilian defense and disaster control act P.L.1942,
21 c.251 (C.App.A:9-33 et seq.). The state of emergency declared in
22 Executive Order No. 103 of 2020 pursuant to that law will remain in
23 effect until terminated by the Governor.

24 Following the termination of the public health emergency declared
25 by the Governor in Executive Order No. 103 of 2020, as extended,
26 the Governor, Commissioner of Health, and the head of any other
27 State agency may issue orders, directives, and waivers pursuant to
28 the emergency health powers law, P.L.2005, c.222 (C.26:13-
29 1 et seq.), related to (1) vaccination distribution, administration, and
30 management, (2) COVID-19 testing, (3) health resource and
31 personnel allocation, (4) data collection, retention, sharing, and
32 access, (5) coordination of local health departments, and (6)
33 implementation of any applicable recommendations of the Centers
34 for Disease Control and Prevention to prevent or limit the
35 transmission of COVID-19, including in specific settings.