

# SENATE, No. 3820

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 20, 2021

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**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  
3       and 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  
14      shall have the ability to revoke or modify the executive orders listed  
15      in this 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  
36      necessitates 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  
42      health emergency declared by the Governor in Executive Order No.  
43      103 of 2020, as extended, was in effect shall be continued and may  
44      be 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,

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

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

21  
22 5. This act shall take effect immediately.  
23  
24

#### 25 STATEMENT

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

35 Executive Order No. 106 (2020)

36 Executive Order No. 111 (2020)

37 Executive Order No. 112 (2020)

38 Executive Order No. 123 (2020)

39 Executive Order No. 127 (2020)

40 Executive Order No. 150 (2020)

41 Executive Order No. 159 (2020)

42 Executive Order No. 170 (2020)

43 Executive Order No. 178 (2020)

44 Executive Order No. 192 (2020)

45 Executive Order No. 207 (2020)

46 Executive Order No. 229 (2021)

47 Executive Order No. 233 (2021)

48 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  
7 modification that would be more restrictive.

8       Following the termination of the public health emergency  
9 declared by the Governor in Executive Order No. 103 of 2020, as  
10 extended, the force and effect of any administrative order, directive,  
11 or waiver issued by the head of a State agency while the public  
12 health emergency declared by the Governor in Executive Order No.  
13 103 of 2020, as extended, was in effect will be continued and may  
14 be 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  
20 the provisions of the civilian defense and disaster control act  
21 P.L.1942, c.251 (C.App.A:9-33 et seq.). The state of emergency  
22 declared in Executive Order No. 103 of 2020 pursuant to that law  
23 will remain in effect until terminated by the Governor.

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