

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 5136**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED JANUARY 13, 2021

**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:**

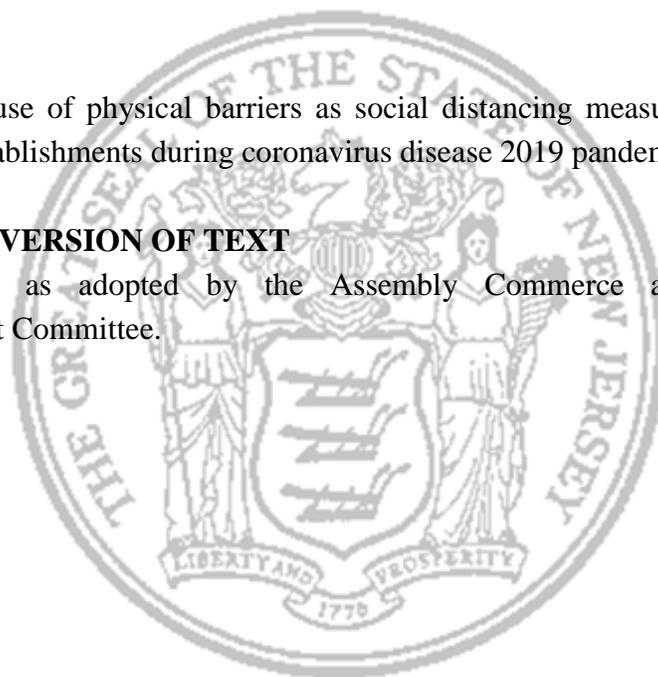
**Assemblymen Benson, Moen, Mazzeo, McGuckin, Assemblywoman Pintor  
Marin, Assemblymen Catalano, Thomson, Assemblywoman Quijano,  
Assemblyman Dancer, Assemblywomen Jimenez, Timberlake,  
Assemblyman Houghtaling, Assemblywomen Downey, Vainieri Huttle,  
Assemblymen Freiman, Tully and Assemblywoman Swain**

**SYNOPSIS**

Includes use of physical barriers as social distancing measure for food or beverage establishments during coronavirus disease 2019 pandemic.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Commerce and Economic Development Committee.



**(Sponsorship Updated As Of: 3/25/2021)**

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

3

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

6

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 at a food or beverage  
40 establishment's counter if plastic barriers are in place and social  
41 distancing measures are implemented pursuant to this act,  
42 otherwise, only allow patrons to place orders for indoor table  
43 service when they are seated at a table or bar, and require wait staff  
44 or other employees to bring food or beverages to seated patrons;

45 e. Only allow patrons to consume food or beverages while  
46 seated; and

47 f. Abide by all other health and safety standards issued by the  
48 Commissioner of the Department of Health consistent with her

1 authority under the Emergency Health Powers Act, including  
2 infection control practices and other sanitation protocols.

3 Nothing in this act shall be construed as superseding any  
4 provision of the code promulgated by the Commissioner of  
5 Community Affairs pursuant to authority of the "Uniform Fire  
6 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

7

8 2. This act shall take effect immediately and shall expire on the  
9 later of:

10 (1) the date of expiration, termination, or rescission of any and  
11 all executive or administrative orders issued by the Governor or  
12 Commissioner of Health establishing coronavirus-related occupancy  
13 or customer seating restrictions applicable to food or beverage  
14 establishments; or

15 (2) the first day of the seventh month following the date on  
16 which the Governor declares that the state of emergency has ended.