

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3093

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 21, 2021

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3093.

As amended, the bill directs the Governor to develop and implement a county-based mitigation plan to allow businesses to operate during a pandemic.

Under this bill, the Governor, in consultation with the Commissioner of the Department of Health, is directed to develop and implement a mitigation plan to allow business to operate during a pandemic. This plan will be developed by using empirical data, over a seven day rolling average, to establish three categories of risk that will be organized by the following colors:

- (1) Red, which shall indicate that there is an active outbreak and is the highest level of risk;
- (2) Yellow, which shall indicate that the risk of an outbreak is moderate; and
- (3) Green, which shall indicate that the risk of an outbreak is low.

Once these categories, and the thresholds for reaching them, are established, the Governor will assign one of the categories to each of the State's 21 counties and 565 municipalities, with additional consideration given to a county containing a jail, university, or other large congregate facility. The Governor will then restrict business activity within a county based on the category that the county was assigned to. For an affected county with a population density greater than 1,500 persons per square mile, the Governor may restrict business activity countywide or by municipality. If an affected county has a population density beneath 1,500 persons per square mile, the Governor will restrict business activity by municipality. Municipalities within an affected county may further restrict business activity if the municipality has reason to believe that, based on empirical data, they should be subject to restrictions beyond those mandated upon them.

A county assigned to a category higher than green will not be reassigned to a lesser category without a three-week evaluation of the area's empirical data to determine its progress. Restrictions

pertaining to each category of risk and the data trends of each county will be published on the Department of Health website to provide transparency for affected business owners and the public.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove language in the bill that exempts holders of a liquor license with retail consumption privileges and operating certain establishments from fines established by the Governor.