

New Jersey Executive Order Limits Dining, Interstate Sports and Personal Care Services

By James M. McDonnell and Luke P. Breslin

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In response to a recent COVID-19 surge which included 3,877 new cases, New Jersey Governor Phil Murphy issued an [Executive Order](#) that impacts food and beverage establishments, scholastic and youth sports and personal care services. The restrictions take effect on Thursday, November 12, 2020 at 6:00 a.m. ET and will alter operations at bars, restaurants, and other dining establishments until further action by the Governor.

Food & Beverage Establishments

All food and beverage establishments, including restaurants, cafeterias, dining establishments, food courts, and holders of liquor licenses with retail consumption privileges, must cease indoor operations from 10:00pm to 5:00am each day. Food or dining establishments may continue to operate during their normal business hours for outdoor dining, food-delivery and take-out services. The restriction does not apply to retail, recreational and entertainment businesses, as long as those businesses prohibit the consumption of food or beverages between 10:00pm and 5:00am. Additionally, the hours restriction does not apply to indoor dining in airports.

The Order further prohibits establishments from seating patrons at indoor bar areas. The measure rescinds Paragraph 1(b) of Executive Order 183 – issued on September 1, 2020 – which expressly permitted seating at indoor bar areas with space restrictions. Furthermore, tables must be placed six feet apart in all directions from any other table or seat. If such spacing is not possible, the establishment must erect barriers between tables consistent with guidance issued by the Department of Health. The Executive Order also updates the definition of “outdoor areas” to include enclosed outdoor structures (e.g., plastic domes) provided those structures meet certain requirements such as ventilation and cleaning consistent with applicable guidance, 8-patron party limitations, compliance with applicable safety codes, and possession of necessary municipal permits and approvals.

Youth Sports

New Jersey further prohibits indoor interstate sports competitions for school-based, club, and recreational programs. All such organizations are further prohibited from hosting indoor sports competitions at out-of-state venues or traveling out-of-state to participate in such competitions. To be certain, the Executive Order defines such indoor competitions to include “any sports game, scrimmage, tournament, or similar competition[.]” The restriction, however, does not apply to collegiate or professional sports activities.

Personal Care Services

Lastly, the Order requires personal care services facilities to limit occupancy of any indoor premises to 25% of the maximum stated capacity (excluding employees). The restriction impacts — among other operations — cosmetology shops, barber shops, beauty salons, hair braiding shops, nail salons, electrology facilities, spas, day spas, medical spas (where solely elective and cosmetic medical procedures are performed), massage parlors, tanning salons and tattoo parlors.

Given the rapid turnaround, businesses must be prepared to adapt to the new restrictions in short order. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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