

Governor Phil Murphy today signed Executive Order No. 163, which requires individuals to wear face coverings in outdoor public spaces when it is not practicable to socially distance and keep a six-foot distance from others, excluding immediate family members, caretakers, household members, or romantic partners, except where doing so would inhibit that individual's health, where the individual is under two years of age, or in situations where individuals cannot feasibly wear a face covering, such as when eating or drinking at outdoor dining areas.

The Order, which takes effect immediately, also reiterates New Jersey's policy of requiring face coverings in indoor spaces that are accessible to members of the public, such as retail, recreational, and entertainment businesses, areas of government buildings open to the public, and mass transit buses, trains, and stations, again with exceptions for health reasons and children under two.

The Order notes that situations when wearing a face covering would inhibit an individual's health include when an individual is engaging in high intensity aerobic or anaerobic activities, when in the water, and in other situations where the presence of a mask would pose a risk to the individual's safety.

The Order also notes that for indoor commercial spaces that are not open to members of the public, such as office buildings, those spaces must have policies that at a minimum, require individuals to wear face coverings when in prolonged proximity to others. The Order also notes that child care centers, other child care facilities, and youth summer camps are not governed by this Order, and those settings continue to be governed by Executive Order No. 149 (2020) and applicable standards issued by the Department of Health.

Furthermore, the Order clarifies that for outdoor dining purposes, outdoor areas shall be defined as open air spaces that either 1) have no roof or cover, or 2) have a fixed roof or temporary or seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed.

Lastly, the Order clarifies that practices and competitions for sports defined as "Low Risk" by the Department of Health's "Guidance for Sports Activities" are permitted in both outdoor and indoor settings. No-contact practices for sports defined as "High or Medium Risk" are permitted to resume in outdoor and indoor settings. Contact practices and competitions for sports defined as "Medium Risk" are permitted to resume in outdoor settings only. Contact practices and competitions for sports defined as "High Risk" remain prohibited in both indoor and outdoor settings. All sporting activities are subject to the "Guidance for Sports Activities", and such activities must comply with all applicable laws, regulations, and Executive Orders.