

NJ Department of Health Issues Directives to Restaurants Seeking to Comply with Governor Murphy's Executive Order 150; Overview of Related CDC Updated Guidance

On June 3, 2020, New Jersey Governor Phil Murphy issued Executive Order 150 (EO 150), which will lift certain restrictions on restaurants, cafeterias, dining establishments, and food courts by allowing for in-person service in outdoor areas effective Monday, June 15, 2020.

Also on June 3, the New Jersey Department of Health (DOH) issued very specific directives to restaurants seeking to comply with EO 150. Pursuant to the DOH's directives, restaurants offering outdoor in-person service must adhere to the following protocols:

Additionally, restaurants must impose the following requirements with respect to employees:

Finally, restaurants offering outdoor in-person service must adhere to the following policies with respect to customers:

The DOH's guidance closely mirrors recently published updated [guidance](#) from the U.S. Centers for Disease Control (CDC) for restaurants seeking to resume operations while doing their part to prevent the spread of COVID-19. As explained in our previous [Client Alert](#), the CDC generally considers restaurants to be an industry at medium risk of exposure due to consistent interaction with the public within an enclosed space.

The CDC's most recent guidance delineates the level of risk associated with individual restaurant establishments based upon the extent of their relative exposure to the public along a spectrum ranging from Lower Risk establishments (primarily offering drive-thru, delivery and take out) to Highest Risk establishments (primarily offering on-site dining and outdoor seating without 6-foot demarcation between tables). The guidance offers three broad categories of advice, including promotion of behaviors that reduce spread of COVID-19, maintenance of healthy environments and operations, and preparation for handling sick employees.

The CDC has also reiterated its recommendation that restaurant owners continue to stay abreast of state and local policies, ordinances and recommendations related to group gatherings.

New Jersey restaurants would be well advised to waste no time ramping up their preparation efforts to successfully comply with the comprehensive federal, state, and local guidance and directives necessary to remain open as of June 15.

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