



# COVID-19 Update: Legislative Activity - Important Bills Passed

## Client Advisories

03.20.2020

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Yesterday, the New Jersey Senate passed unanimously bills that previously had been advanced by the New Jersey Assembly earlier in the week. Governor Murphy has begun signing those bills and is anticipated he will ultimately sign all of them in short order. Please see below for legislation in particular subject matter areas. **(Status of Bills Updated on 3/22/20)**

### SCHOOLS

**Permits use of virtual or remote instruction to meet minimum 180-day school year requirement under certain circumstances. (A3813/S2292) Still Pending**

This bill would allow school districts, including county vocational school district, or county special services school district to meet the 180-day requirement in a year with an excessive number of unexpected school closures due to an epidemic, or a weather or other emergency through the use of virtual or remote instruction. Specifically, in the event that a district is required to close its schools for more than three school days due to an epidemic, or a weather or other emergency condition, the commissioner will allow the district to apply virtual or remote instruction to the 180-day requirement.

**Requires school districts to provide school meals or meal vouchers to students eligible for free and reduced price school meals during school closures due to COVID-19 epidemic. (A3840/S2281) Approved**

This bill requires every school district to implement a program during the period of the school closure to provide school meals to all district students who are eligible for the free and reduced price school lunch and school breakfast programs.

### TREASURY & ECONOMIC DEVELOPMENT

**Automatically extends time to file gross income tax or corporation business tax return if federal government extends filing or payment due date for federal returns. (A3841/S2300) Still Pending**

This bill automatically extending the time to file a gross income tax or corporation business tax return if the federal government extends the filing or payment due date for federal returns. The bill would automatically grant an extension for those taxpayers if the federal government grants an extension and would not impose penalties or interest if the taxpayer files a return by the end of the extension. The extended due date would be no later than June 30, 2020.

**Authorizes EDA to make grants during the State of Emergency and for the duration of the same. (A3845/S2284) Approved**

This bill authorizes the NJ Economic Development Authority to provide grants during periods of state of emergency declared by the Governor, and for the duration of economic disruptions due to the emergency. The bill gives the authority the power to *offer grants for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing of a project, including, but not limited to, grants for working capital and meeting payroll requirements*, upon such terms and conditions as the authority deems reasonable, during such period of time. The bill also extends the uses of the economic growth account in the Economic Recovery Fund to the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing by small and medium-size businesses and not-for-profit corporations of certain projects, including, but not limited to, grants for working capital and meeting payroll requirements, upon such terms and conditions as the authority deems reasonable, during such periods of time.

**HEALTHCARE**

**Requires health insurance and Medicaid coverage for testing of coronavirus disease 2019 and for telemedicine and telehealth during coronavirus disease 2019 state of emergency. (A3843/S2283) Approved**

This bill requires health insurance carriers (health, hospital and medical service corporations, health maintenance organizations and insurance companies), as well as the State and School Employees' Health Benefits Programs and the State Medicaid program, to provide coverage for expenses incurred in the testing for coronavirus disease 2019, provided that a licensed medical practitioner has issued a medical order for that testing or that the testing is ordered through telemedicine or telehealth. These requirements are to remain in effect during the State of Emergency.

**Authorizes all licensed health care facilities and laboratories to collect specimens to test for coronavirus disease 2019; allows waiver of staffing ratio requirements. (A3854/S2286) Approved**

Enables all licensed health care facilities and clinical laboratories to collect specimens for the purposes of testing for COVID-19. Waives mandatory minimum staffing ratios for health care facilities.

**Supplemental appropriation of \$10 million to provide monies for healthcare and residential facility sanitation made necessary by the coronavirus disease 2019 outbreak. (A3856/S2297) Still Pending**

This bill makes a FY 2020 supplemental appropriation of \$10 million for health care and residential facility sanitation due to the coronavirus disease 2019 outbreak. Under the bill, the \$10 million application is to be used to provide financial assistance to certain health care and residential facilities in meeting the sanitation demands



imposed by the coronavirus disease 2019. These facilities are limited to: nursing homes; long-term care facilities; Program of All-inclusive Care for the Elderly, or PACE, facilities; federally qualified health centers; urgent care facilities; retirement centers; senior centers; intermediate care facilities; State developmental centers; group homes for individuals with medical needs; State psychiatric hospitals; post-acute rehabilitation centers; medical day care centers; residential schools for children with complex medical needs; group homes for individuals with mental health, substance use, or behavioral health conditions; and homeless shelters.

## **EMPLOYMENT**

### **“Temporary Lost Wage Unemployment Program” (A3846/S2293) Still Pending**

This bill allows persons to claim for lost wages due to coronavirus disease 2019, and employers to pay wages to workers ordered under quarantine by licensed healthcare practitioner. The bill further appropriates \$20,000,000 to underwrite the program.

### **Penalizes Employers who Terminate or Refuse to Reinstatement Employees who Request or Use Time Off for Work in Connection with Infectious Disease. (A3848/S2301) Approved**

This bill prohibits an employer, during the State of Emergency declared by the Governor concerning the coronavirus disease 2019 pandemic, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on a written or electronically transmitted recommendation from a medical professional licensed in New Jersey that the employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee’s workplace. The bill requires reinstatement and provides for fines of \$2,500.

## **LOCAL GOVERNMENT**

### **Allows public bodies to conduct meetings, and provide notice, by electronic means during periods of emergency. (A3850/S2294) Approved**

This bill explicitly authorizes a public body to conduct a meeting and public business, cause a meeting to be open to the public, vote, and receive public comment by means of communication or other electronic equipment during a state of emergency, public health emergency, or state of local disaster emergency. The bill also allows a public body to provide notice of meetings electronically through the internet during that time, but requires that public bodies who exercise this option limit, to the extent practicable, the public business conducted at that meeting to matters necessary for the continuing operation of government and that relate to the applicable emergency declaration.

### **Permits extension of deadlines for adoption of county and municipal budgets under certain circumstances. (A3851/S2295) Approved**

This bill would expand the current authority of the Department of Community Affairs, Director of Division of Local Government Services to extend the statutory dates for the introduction and approval, and for the



adoption, of county and municipal budgets when the Governor has declared a Public Health Emergency or State of Emergency.

**Allows conduct of State business and legislative sessions at locations other than Trenton during periods of emergency or other exigency; allows conduct of legislative business using electronic means. (A3852/S2296)**

This bill allows State government and legislative sessions to be conducted at locations other than Trenton during periods of emergency or other exigency. The bill also allows the Legislature to use any technology or electronic means to conduct its business.

**Establishes certain requirements to use telemedicine and telehealth to respond to COVID-19. (A3860/S2289)**

This bill enables healthcare practitioners to provide, for the duration of the State of Emergency services via telemedicine and telehealth, regardless of whether rules and regulations concerning the practice of telemedicine and telehealth have been adopted. The new law allows any practitioner *who is not licensed or certified to practice in NJ* to provide health care services via telemedicine and telehealth, provided that: (1) the practitioner is licensed or certified to practice in another state or territory of the United States or in the District of Columbia, and is in good standing in that jurisdiction; (2) the services provided by that practitioner are consistent with the practitioner's authorized scope of practice in their licensed jurisdiction; (3) unless the practitioner has a preexisting provider-patient relationship with the patient that is unrelated to COVID-19, the services provided will be limited to services related to screening for, diagnosing, or treating COVID-19; and (4) in the event that the practitioner determines via a telemedicine or telehealth encounter with a patient located in NJ will not involve screening for, diagnosing, or treating COVID-19, and the practitioner does not have a preexisting provider-patient relationship with the patient that is unrelated to COVID-19, the practitioner must recommend that the patient initiate a new telemedicine or telehealth encounter with a licensed NJ health care practitioner.

**Permits professional and occupational licensing boards to expedite licensure of certain individuals during state of emergency or public health emergency. (A3862/S2298)**

This bill allows the director of the Division of Consumer Affairs, with the approval of the Attorney General, to expedite the professional and occupational licensing process for out-of-state individuals when the New Jersey Governor has declared a State of Emergency. To be eligible for expedited treatment, the individual applying for a specific license, registration, or certification in New Jersey must have a corresponding license, registration or certification in good standing in another jurisdiction. The bill gives the director and the applicable licensing boards the ability to waive certain requirements normally required in the licensure process, including a criminal history background check and payment of certain licensing fees.

## **HOUSING**

**Regarding Residential Eviction and Foreclosure during State of Emergency. (A3859/S2276)**

Prohibits residential tenant eviction or foreclosure during a declared State of Emergency. New law permits such proceedings to be filed during the State of Emergency, but stays enforcement of the proceedings during the State



of Emergency. Exception: enforcement will be permitted on motion of the court or a motion of a party in interest where there is a demonstration that eviction or foreclosure is in the interest of justice.

## **BUSINESS AND CORPORATIONS**

### **Permits corporations to hold shareholders' meetings in part or solely by means of remote communication during state of emergency. (A3861/S2290) Approved**

This bill waives requirement that corporations conduct shareholders' meetings at a physical location. Under the bill, during a State of Emergency declared by the Governor, a meeting of shareholders may be held by means of remote communication to the extent the board authorizes and adopts guidelines and procedures governing such a meeting. The bill also provides that shareholders participating by remote communication are deemed present in person and are entitled to vote at the meeting.

Please reach out to your Archer contact or any member of **Archer's COVID-19 Task Force** with any questions you may have.

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