Indoor and Outdoor Competitions Restricted, and Interstate Indoor Sport Competitions Banned Due to Rising COVID-19 Infections

November 19, 2020

Porzio Client Alert

On November 16, 2020, Governor Philip Murphy signed Executive Order #196 which, limits indoor and outdoor "gatherings" to ten (10) and one hundred fifty (150) people, respectively. "Gatherings" now specifically include both indoor and outdoor sports competitions and practices, although Order #196 includes exceptions for indoor sports. The new indoor gathering limitations are effective immediately while schools will have additional time to implement the latest outdoor gathering restrictions, but must do so no later than November 23 at 6:00 a.m. These new requirements, as well as Executive Order #194 banning all interstate indoor sport competitions and the New Jersey State Interscholastic Athletic Association ("NJSIAA") update on Winter/"Season 2" sports, are a result of the increasing COVID-19 infections occurring throughout New Jersey as of the date of the writing. For an in-depth breakdown and analysis of the NJSIAA update, and Executive Orders #194 and #196, please see below.

Pursuant to Executive Order #194, all interstate indoor youth sports competitions – which includes any game, scrimmage, or tournament – are suspended throughout the State of New Jersey, effective November 12, 2020. This includes school-based, club, and recreational programs hosted within New Jersey or where a New Jersey team travels to any other state, including New York, Delaware and Connecticut. On the other hand, intrastate competitions (i.e., competitions between teams located in New Jersey) and indoor practices had remained unaffected by Executive Order #194.

While it is unlikely many schools were planning interstate competitions given the current surge of COVID-19 infections, Executive Order #196 impacts all intrastate professional, collegiate, youth, and school indoor and outdoor sporting activities. All youth and school outdoor sporting activities, including practices and competitions, shall be limited to one hundred fifty (150) individuals. Unlike professional and collegiate outdoor sports, schools are required to include all individuals participating in the outdoor sporting event (e.g., athletes, coaches, referees, trainers, etc.) as well as spectators in evaluating safety protocols. Depending on the circumstances, indoor youth and school sporting activities are capped at either ten (10) individuals or 25% of the room's capacity. If the number of individuals who are necessary for a no-contact practice, contact practice, or competition is equal to or greater than ten (10) people, such a practice or competition can only occur if "no individuals are present who are not necessary for the practice or competition, such as spectators." Otherwise, the practice or competition must occur with ten (10) or fewer individuals, including players and coaches. Violations of either Executive Order #194 or #196 shall be considered a disorderly persons offense, and violators are subject to imprisonment up to six (6) months and/or a fine not to exceed $1,000.00.

On November 19, 2020, the NJSIAA released an update that except for Ice Hockey practice, all winter sport competitions and practices for Basketball, Fencing, Bowling, Swimming, Winter Track & Field, Gymnastics, Volleyball and Wrestling are being delayed until 2021. Below please find the full list of dates:

Sport	Practice Start	Competition Start	Competition End
Ice Hockey	Dec. 14th	Jan. 4th	Feb. 17th
Basketball, Fencing and Bowling	Jan. 11th	Jan. 26th	Mar. 6th
Swimming and Winter Track & Field	Feb. 1st	Feb. 16th	Mar. 27th
Gymnastics, G Volleyball and Wrestling	Mar. 1st	Mar. 16th	Apr. 24th

Generally, all winter sports shall be restricted to one (1) pre-season scrimmage, and post-season NJSIAA-sponsored competitions (e.g. county, regionals, state, etc.) are cancelled. During the regular season, certain sports (e.g., basketball, fencing) are prohibited from conducting multi-team, multi-game and invitational events. The NJSIAA reserved the right to alter these restrictions at any time. For your convenience, a full copy of the November 19th update can be accessed here.

Executive Order #196 is silent in regards to which individual in a school district would be liable in the event either an outdoor or indoor competition or practice exceeds the aforementioned limits. However, schools must ensure that all sporting events, including non-NJSIAA sponsored events and traditional Thanksgiving high school football games, are compliant with these Orders. Should you have any questions regarding these restrictions, the Porzio team would be happy to assist.