

Updates on Executive Action in Trenton, March 20, 2020 - *Client Newsletter*

Article

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On March 20, 2020, Governor Murphy signed the following bills into law. All of these new laws take effect immediately.

- **A3861/S2290 – Authorizing Corporations to Hold Shareholders’ Meetings by Means of Remote Communications During a State of Emergency**
 - The law amends the New Jersey Business Corporations Act to provide that, during a state of emergency, shareholders’ meetings may be conducted by remote means, in whole or in part (i.e., if one or more shareholders participates in the meeting remotely), if the board authorizes and adopts guidelines and procedures governing such a meeting.
 - The corporation must take reasonable measures to verify that each person participating remotely is a shareholder or a proxy of a shareholder and must allow each shareholder participating remotely a reasonable opportunity to participating in the meeting.
 - Prior to the passage of this law, corporations were permitted to allow shareholders to participate in shareholders’ meetings by means of remote communication, but the meeting itself needed to be held at a physical location.
- **A3848/S2301 – Prohibiting Employers from Terminating or Refusing to Reinstatement an Employee if the Employee Requests or Takes Time Off Due to an Infectious Disease During the COVID-19 Health Emergency**
 - The law prohibits employers, during the COVID-19 health emergency, from terminating or refusing to reinstate an employee if the employee requests or takes time off from work based on the recommendation of a medical professional because the employee has, or is likely to have, an infectious disease which may infect others at the workplace.
- **A3845/S3845 – Authorizing the New Jersey Economic Development Authority to Make Grants During Periods of Emergency; Allowing the EDA to Grant Businesses Extensions for Deadlines to Submit Certain Documentation**
 - Among other things, the law provides that, during periods of emergency, the EDA “may use the economic growth account for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing by small and medium-size businesses and not-for-profit corporations of a project as defined in [N.J.S.A. 34:1B-3], including, but not limited to, grants for working capital and meeting payroll requirements, upon such terms and conditions as the authority shall deem reasonable.”
- **A3849/S2302 – Modifying the Deadline by Which Public Agencies Must Respond to Public Records Requests During a State of Emergency**

- The law suspends the mandatory deadlines for public agencies to respond to public records requests during a state of emergency, requiring instead that “the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter.”
- **A3843/S2283 – Requiring Health Insurance and Medicaid Coverage for Testing of COVID-19 and for Telemedicine/Telehealth During the COVID-19 Health Emergency**
 - The law requires health insurance carriers, as well as the State and School Employees’ Health Benefits Programs and the State Medicaid program, to provide coverage for expenses incurred in both: (1) the testing for COVID-19, provided that a licensed medical practitioner has issued a medical order for that testing; and (2) the delivery of health care services through telemedicine and telehealth.
 - These new requirements will remain in place for the entirety of the COVID-19 Health Emergency.
- **A3095/S1982 – Providing County Clerks with Additional Time to Mail Ballots for 2020 Election; Requiring Ballot Position to Occur One Day Early if Statutory Date Falls on Holiday (Expires on the Date of the 2020 Primary Election)**
- **A3840/S2281 – Requiring School Districts to Provide School Meals or Meal Vouchers to Eligible Students During School Closures Due to COVID-19 Health Emergency**
- **A3850/S2294 – Allowing Public Bodies to Conduct Meetings, and Provide Notice, by Electronic Means During Periods of Emergency**
- **A3851/S2295 – Allowing the Director of the Division of Local Government Services in the Department of Community Affairs to Extend Unilaterally the Dates for the Introduction and Approval of County and Municipal Budgets**
- **A3854/S2286 – Authorizing All Licensed Health Care Facilities and Laboratories to Collect Specimens to Test for COVID-19 and Allowing Waiver of Staffing Ratio Requirements for the Duration of the COVID-19 Health Emergency**
- **A3855/S2287 – Requiring Food Access Information to be Displayed on Websites of 2-1-1 System and Executive Branch Departments During Public Health Emergencies, to the Extent Practicable**
- **A3865/S2291 – Prohibiting Retail Food Stores from Accepting the Return, with Limited Exceptions, of any Groceries and Other Foodstuffs Purchased During the COVID-19 Health Emergency or for 30 Days Thereafter**
- **AJR158/SJR77 – Urging FCC to Take Temporary Measures to Secure Universal Broadband Access During the COVID-19 Health Emergency**