

EXECUTIVE ORDER NO. 295

WHEREAS, New Jersey's community of residents who are lesbian, gay, bisexual, transgender, queer, questioning, or otherwise do not identify as heterosexual or cisgender ("LGBTQ+") are vital participants in economic, civic, and social life in the State; and

WHEREAS, as one of the first States in the country to explicitly prohibit discrimination based on sexual orientation, gender identity, and gender expression, New Jersey seeks to ensure equal economic and social opportunity for the LGBTQ+ community; and

WHEREAS, in June 2019, I was honored to support LGBTQ+ New Jerseyans by flying the Pride flag from Drumthwacket for the first time in the State's history; and

WHEREAS, in my first term, I was proud to sign Senate Bill No. 1569 (Second Reprint) (P.L.2019, c.6), ensuring school curricula included instruction on the political, economic, and social contributions of LGBTQ+ people; and

WHEREAS, businesses owned in whole or in part by LGBTQ+ individuals touch all parts of the State's economy, providing vital goods and services to New Jerseyans and visitors; and

WHEREAS, enabling the certification of business entities owned by members of underrepresented communities contributes to the success and recognition of such business entities and helps such business entities thrive; and

WHEREAS, although the Division of Revenue and Enterprise Services in the Department of the Treasury provides the opportunity for minority-owned, women-owned, veteran-owned, and disabled-veteran-owned businesses to apply for and receive certification as such, there is currently no mechanism in New Jersey for businesses owned in whole or in part by LGBTQ+ individuals to receive a LGBTQ+-owned certification from the State; and

WHEREAS, such a certification program would affirm that LGBTQ+ business owners are welcome and encouraged to conduct business in New Jersey, and would enable such businesses to proudly announce that they are recognized by the State as an LGBTQ+-owned business enterprise;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Department of the Treasury ("Treasury") shall develop a program for the registration or certification of LGBTQ+-owned business enterprises. An LGBTQ+-owned business enterprise shall mean a business which is:

- a. A sole proprietorship owned and controlled by a person who identifies as LGBTQ+;
- b. A partnership or joint venture owned and controlled by individuals who identify as LGBTQ+ in which at least 51% of the ownership is held by individuals who identify as LGBTQ+ and the management and daily business operations of which are controlled by one or more individuals who identify as LGBTQ+ who own it; or
- c. A corporation or other entity whose management and daily business operations are controlled by one or more individuals who identify as LGBTQ+ who own it, and which is at least 51% owned by individuals who identify as LGBTQ+, or, if stock is issued, at least 51% of the stock is owned by one or more individuals who identify as LGBTQ+.

2. The criteria and procedures used by Treasury to determine whether a business qualifies for certification as an LGBTQ+-owned business enterprise shall be substantially similar to the current criteria and procedures used by Treasury to determine whether a business qualifies as a minority-owned or women-owned business enterprise.

3. Treasury may promulgate rules and regulations to effectuate the directives in this Order.

4. Treasury may form reciprocal agreements with, or accept certifications by, other public and private certifying entities, to facilitate LGBTQ+-owned business enterprise certification. Any such agreement shall ensure that the certification process involved includes

substantially similar criteria and procedures to those used by Treasury to determine whether a business qualifies as an LGBTQ+-owned business enterprise.

5. Following the implementation of the provisions of this Order, Treasury and all other Executive Branch departments and agencies may allow respondents certified as LGBTQ+-owned business enterprises to identify as such with respect to procurements or solicitations of business, including requests for proposals, qualifications, or information.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
3rd day of May,
Two Thousand and Twenty-two, and
of the Independence of the
United States, the Two Hundred
and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor