

## **Alert | Health Emergency Preparedness Task Force: Business Continuity Amid COVID-19**



**December 2021**

### **New York State Indoor Mask Mandate Begins Dec. 13**

In response to rising COVID-19-related cases and hospitalizations in New York state, Gov. Kathy Hochul **announced** Dec. 10 that masks will be required as of Dec. 13 for all persons over the age of two in all indoor public places, unless the business or venue requires proof of vaccination for those 12 years of age or older as a condition for entry. The state mandate will be in place at least until Jan. 15 and is supported by a **determination** of the New York State Health Department.

This action comes four days after New York City Mayor Bill de Blasio imposed a requirement that all employees of city private businesses must have received one shot of a COVID-19 vaccine by Dec. 27 (**see Dec. 6 GT Alert**).

New York state businesses and venues may accept proof of vaccination by the Excelsior Pass app – which is only available to New York residents or those who were fully vaccinated in-state – or a CDC vaccination card.

According to the **FAQs** published with the Health Department’s determination, the policy applies to all indoor spaces that are not private residences. It applies to all offices where proof of vaccination is not required for entry, and all office employees and visitors will be required to wear masks, regardless of vaccination status, except while eating, drinking, or alone in an enclosed room. Therefore, if one is in an office where the state mask policy applies because there is not full vaccination throughout the office, a fully vaccinated person still has to wear a mask unless eating, drinking, or working alone in an enclosed office. Restaurant patrons and employees must wear masks at establishments that do not require vaccines except when removal is necessary to eat or drink. Patrons of salons and other personal-care businesses

that provide services that require customers to remove their face mask may do so temporarily while receiving such services. The state continues to encourage New Yorkers to wear masks even in settings where all are fully vaccinated.

The vaccination requirement that would obviate the need for an establishment to require masks is based on the Centers for Disease Control and Prevention standard for “fully vaccinated,” which is two weeks past an individual’s final vaccine dose. (This would be the second shot for Pfizer/Moderna or the first and only dose for Janssen/Johnson & Johnson). The state’s vaccination standard is thus more significant than the city’s recently announced requirement of two doses (as part of “Key to NYC” program for restaurant, bar, gym, and entertainment venues) or one shot (for all other private businesses) without any two-week waiting period after the shot to satisfy the city standard. (The city may clarify that two-dose requirements will match the CDC’s “fully vaccinated” requirement before the Dec. 27 implementation of the heightened vaccine requirements). The city and state standards are the same one-dose requirement for children between the ages of five and 11.

A violation of this measure may result in a maximum \$1,000 fine for each violation. Local health departments have been tasked with enforcement.

For more information and updates on the developing situation, visit [GT’s Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#) and [Business Continuity Amid COVID-19](#) page.

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