

Details Released for Updated New York State Mask Mandate

On Friday, November 10, Governor Hochul announced an updated mask mandate for all of New York State. The mandate and a Frequently Asked Questions (FAQ) for the mandate have now been released. This updated mandate applies to all indoor spaces in New York except for private personal residences. The mandate goes into effect on Monday, December 13 at 12:01 a.m. and will remain in effect through January 15, 2022 at which time it will be evaluated.

Overview of the Mandate

The mandate requires businesses to choose one of two paths. A business can choose to only permit entry by persons over the age of 12 who are fully vaccinated and by persons ages 5-11 who have received one dose of vaccine. In this case, the business may encourage but not require masks. The business must require all people entering to show valid proof of vaccination status through Excelsior Pass or other approved means.

Alternately, the business must require masks for all people regardless of vaccination status.

Business may not continue to mix requiring masks for unvaccinated people and no masks for vaccinated people.

Spaces Covered

All indoor spaces that are not private residences are covered including “indoor entertainment venues, concert halls, indoor sports stadiums, recreational spaces, restaurants, office buildings, shopping centers, grocery stores, pharmacies, houses of worship and common areas in residential buildings.” The FAQ provides additional guidance for when the mandate applies in outdoor dining spaces.

Hero’s Act Impact and Other Mandates (NYC)

The FAQ provides that the HERO’s Act and other mandates continue to be in effect; however, to the extent this Department of Health Order is more restrictive, it will apply. Thus, employers will want to ensure they are complying with the mask requirements in their workplace unless their workplaces requires vaccination.

Restaurants and Retail Space

Restaurants and retail space will want to pay particular attention to the requirements for their spaces contained in the order and the FAQ.

Enforcement and Next Steps

The mandate will be enforced by local departments of health who can issue fines to both the business and the individual of up to \$1,000 per occurrence. At this time, all businesses must choose whether they will require vaccination for entry to their business or whether they will require masks to be worn by everyone at all times (except when actively eating and drinking or in their own space alone).

The mandate and FAQ are available at: <https://coronavirus.health.ny.gov/frequently-asked-questions-proof-full-vaccination-or-mask-requirement-businesses-and-venues>.

Your HH&K attorneys remain available to assist you in working through this mandate.