

Tompkins County Health Department: New Directive on Mask Enforcement for Businesses

On Monday July 13th, New York State officials have issued emergency regulations on COVID requirements including face-coverings ([10 NYCRR Subpart 66-3](#)), summarized below.

Business operators and building owners must deny entry and require or compel the removal of any person who fails to comply with face-covering requirements. The wearing of face coverings has proven to be one of the most effective ways to stop the spread of COVID-19, and is in-line with local [guidance](#) on reopening from the Tompkins County Health Department.

As a business operator you are now required to enforce compliance with these requirements. Violations of these regulations could result in a maximum fine of \$1000 per violation; a willful violation of these regulations is punishable by a fine of up to \$10,000. The Environmental Health Division of the Health Department has received complaints throughout the pandemic and will be issuing *notices of violation* to non-compliant businesses in response to these new regulations. The Health Department and all local economic development and business support organizations will continue to communicate this guidance with both businesses and the public.

Thank you for your patience and flexibility as our community navigates this crisis. If you have any questions regarding guidance please see further reopening [information](#) from the state, or please contact the Environmental Health Division of the Tompkins County Health Department at 607-274-6688 or by email at tceh@tompkins-co.org. It is the intent of the Tompkins County Health Department to partner with businesses to achieve compliance and to ensure they have the guidance and resources that you need to operate safely.

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A SUMMARY BASED ON INFORMATION FROM NEW YORK STATE:

10 NYCRR Subpart 66-3 is intended to codify, and assist in the enforcement of, existing Executive Orders mandating face coverings, social distancing requirements, restricting non-essential gatherings, and the operation of non-essential businesses.

Face-Coverings -- 10 NYCRR § 66-3.2

- Any person over two years of age and able to medically tolerate a face-covering must wear a mask or face-covering when in public and unable to maintain social distance.
 - Passengers over the age of two and able to tolerate a face-covering must wear a mask or face covering when on public transport or private for-hire transport.
 - Drivers or other employees of transportation carriers must wear a mask or face-covering if there are paying passengers on such transport
 - Any employee present in the workplace must be provided a mask or face-covering and must wear it when in contact with customers or the public, or unable to socially distance

- **Business operators and building owners must deny entry and require or compel removal of any person who fails to comply with face-covering requirements.**
- Adequate face coverings include cloth masks, surgical masks, N-95s, and face shields.
- To maintain social distance, persons must keep at least 6 feet away from any other person, other than their own family members.

Non-Essential Gatherings -- 10 NYCRR § 66-3.3

- Limits non-essential gatherings to the gathering limit set by Executive Order establishing such limit in the region (currently, 25 in Phase 3, 50 in Phase 4).
 - Prohibits any person from encouraging or promoting any non-essential gathering on any public property.
 - This intended to prevent businesses from evading responsibility for a non-essential gathering occurring off the business's premises, but as a result of the business's actions.
 - Requires that any non-essential gathering that is allowed to proceed must comply with social distancing protocols.
 - Provides that restrictions on non-essential gatherings do not apply to essential businesses (noting that such businesses must still comply with NY Forward guidance).

Non-Essential Businesses -- 10 NYCRR § 66-3.4

- All non-essential businesses must reduce their in-person work force by 100% pursuant to Executive Order 202.8; however the state's phased reopening has allowed most industries to reopen so long as Department of Health guidance is adhered to.
 - This regulation is subject to modification by Executive Orders implementing the phased re-opening of NY, including already issued Executive Orders for each phase.
 - Essential businesses include those listed in the regulation, and those determined essential by Empire State Development, as well as businesses and industries that have been allowed to reopen pursuant to NY Forward Executive Orders.

Penalties -- 10 NYCRR § 66-3.4

- Violations of these regulations by individuals are subject to a maximum fine of \$1000 per violation, as well as any other penalties that may be established in law.
- Additionally, a willful violation of this regulation is a violation of Section 12-b of the Public Health Law, which is punishable by a fine of up to \$10,000.