

Summary of FAQ Changes 12/11/21

Revised the section “Business/Venue Mask-Wearing Requirement” to clarify what is allowable:

Can a business or venue “mix and match”? For example, can a business or venue allow fully vaccinated patrons to be unmasked, but unvaccinated or partially vaccinated patrons to wear masks in the same indoor facility? What about allowing patrons to be unmasked when everyone in the facility is fully vaccinated, but asking everyone in the facility to wear a mask when someone who is unvaccinated or partially vaccinated enters?

No. A business or venue must choose whether it will implement a full-course vaccine requirement or a mask requirement, which applies to both patrons and employees and then must be followed in its entirety throughout the facility at all times each day.

Added a new section “Industry-Specific Information” with information for food services businesses and salons & other personal care businesses:

I operate a food services business (e.g., restaurant or bar) that currently has outdoor, but enclosed or semi-enclosed space. Do I need to follow the same requirements for these spaces as I do for the indoor public spaces of my establishment?

Food services businesses that operate an outdoor, enclosed or semi-enclosed space with more than two sides must implement the same requirement across both their indoor and outdoor, enclosed or semi-enclosed spaces. This means both the inside and outdoor, enclosed or semi-enclosed spaces have either a proof of full-course vaccination requirement or mask requirement.

Outdoor dining spaces that have a temporary or fixed cover (e.g., awning or roof) and at least two open sides for airflow do not need to follow the same requirements as the indoor space of the restaurant. Mask wearing for patrons, except while patrons are actively eating or drinking, is strongly recommended, but not required. The appropriate social distancing measures are also highly recommended.

I operate a food services business (e.g., restaurant or bar) that has open, unenclosed space (e.g., no roof, two or fewer sides covered). Are there requirements for these spaces?

In this situation, mask wearing for patrons, except while patrons are actively eating or drinking, is strongly recommended, but not required. The appropriate social distancing measures are also highly recommended.

If eating or drinking is a part of my business or venue establishment, and I have a mask requirement in place, what am I supposed to do when guests are eating or drinking?

Patrons of your establishment can remove their masks only while they are actively eating or drinking, at which time appropriate social distancing measures, proper air ventilation, and filtration methods are highly recommended. Masks should be worn in all other instances outside of physical eating or drinking.

What if I'm eating or drinking at a restaurant or bar?

If a business or venue does not require proof of full vaccination, all employees and patrons must have their mask on at all times regardless of vaccination status, except when necessary to eat or drink.

What about private events held at a public indoor space, such as a wedding hosted at a restaurant or venue?

Private residences are not included. However, for private events held indoors at a business or venue—for example, a wedding taking place at a privately-owned restaurant or venue—the business entity/venue must require masking or proof of vaccination as a condition of entry.

How does the new policy work for salons and other personal care businesses that provide services which require customers to remove their face mask (e.g., facials, beard trimming, waxing of the upper lip)?

Given the nature of these services, salon and other personal care businesses are strongly encouraged to implement the State's proof of vaccination requirement. However, businesses that do not implement such requirement may allow customers to briefly remove their face mask while receiving such services, under the condition that guests wear a face mask before and after receiving such services and at all other times while inside the facility. The employee performing these services must wear a face mask at all times.

Individuals receiving services that do not require mask removal (e.g., haircuts) must wear face masks at all times, unless the business implements the proof of vaccination requirement.

Revised the section “Additional Information” to address compliance with local restrictions:

My locality already has COVID-19 requirements for businesses and venues? Which requirements do I follow now – New York State or local?

New York State's new requirements apply to all indoor public places in all areas of New York State. Businesses/venues that are required to follow local proof of masking or vaccination requirements, must continue to follow such policies while also adhering to the Commissioner's Determination. This means all patrons and staff inside an establishment must be either fully vaccinated or wear masks.

I operate a business or venue in New York City and already participate in the 'Key to NYC' program, what does the State's new requirement mean for my business or venue?

New York State's new requirements apply to all indoor public places in all areas of New York State, including for businesses and venues in New York City. This means all patrons and staff inside an establishment must be either fully vaccinated or wear masks.

The 'Key to NYC' program currently requires businesses and venues to ensure proof of at least one dose of the COVID-19 vaccine for entry. As the minimum requirement for the State is now full-course vaccination, if a business or venue in NYC wishes to admit partially vaccinated patrons then the business or venue must require all patrons and staff to wear masks inside the premise.

Until December 27, when the 'Key to NYC' program requirements update to requiring individuals to be fully vaccinated (rather than just provide proof of one vaccine dose), NYC businesses and venues may either:

- Continue to permit partially vaccinated individuals, under the condition that all individuals, regardless of vaccination status, wear masks at all times, except while actively eating or drinking; or
- Beginning December 13, require all individuals to be fully vaccinated.