

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



August 2021

### **New York City Announces Vaccine Mandate for Certain Indoor Activities Effective Aug. 17**

On Aug. 3, 2021, New York City Mayor Bill de Blasio **announced** “The Key to NYC” mandate which, beginning Aug. 17, requires patrons of indoor dining, indoor fitness, and indoor entertainment and performances to provide proof of COVID-19 vaccination. Employees at such establishments must also be vaccinated. There is no exception to this vaccination mandate, such as having the option to provide a negative COVID-19 test.

One can show proof of vaccination by using the New York State Excelsior Pass, the New York City COVID Safe Application, a NYC Vaccination Record, a CDC Vaccination Card or photo of the Card, or an official immunization record from outside of New York or the United States. The Excelsior Pass verifies a recipient’s vaccine information, but only those who received their shots in New York or who are otherwise New York residents can use it. In contrast, the NYC COVID Safe Application, available on iPhone and Android devices, allows users to upload a picture of their photo ID and vaccine card regardless of residential location.

A business must check the vaccine status of those 12 and over and may not permit entry to the unvaccinated. Customers may be allowed entrance to use a bathroom or engage in any activity that would take fewer than 10 minutes. Businesses must place a **poster** in a clearly visible place for patrons and have a written plan for implementation of the vaccine policy available for inspection on request. These establishments can, if they choose, keep a record of people who have shown their vaccination status previously so that it need not be shown on every occasion.

Notably, the Key to NYC vaccine dosage requirement does not mirror CDC guidelines for who is considered “fully vaccinated.” Although the CDC asserts a person is not “fully vaccinated” until two weeks after the final dose of the vaccine (second shot for Pfizer/Moderna, single shot for J&J), one will be able to enter an NYC venue covered by this mandate with only one dose and with no waiting period after a shot is received.

The [FAQ](#) issued by the Mayor’s Counsel’s Office covers several questions that hospitality and entertainment venues raised after the Mayor first announced this mandate in early August. All food service establishments that receive a letter grade from the NYC Department of Health, unless they are take-out and delivery only, must ask customers for vaccination status. The regulations apply to gyms that are standalone or in hotels, higher education institutions, and studios, as well as indoor pools. Covered entertainment settings include performing arts, movie theaters, museums and galleries, and professional sports arenas and indoor stadiums. The rules do not apply to indoor dining, entertainment, and fitness facilities that are in private residences and only available to residents. Nor do these rules apply to office buildings where the amenities are only available to that business’ workers or pre-K through 12th grade schools.

Enforcement of this policy begins on Sept. 13. Fines for violations may be up to \$1,000 for a first offense and up to \$5,000 for a third or greater violation.

[Click here to view Emergency Executive Order 225, issued Aug. 16.](#)

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