



# Reopening New York

## Implementing CDC Guidance



**Effective May 19, New York has adopted the Centers for Disease Control and Prevention's (CDC) "[Interim Public Health Recommendations for Fully Vaccinated People](#)," issued May 13, for most businesses and public settings.**

Businesses are authorized to require masks and six feet of social distancing for employees and/or patrons within their establishments OR adhere to CDC guidance, which advises that fully vaccinated individuals do not need to wear masks or be socially distanced, but unvaccinated individuals must continue to wear masks and be socially distanced in most settings.\*

- The Department of Health strongly recommends masks and six feet of social distancing in indoor settings where vaccination status of individuals is unknown. Any mask requirements that businesses choose to implement must adhere to all applicable federal and state laws and regulations (e.g., Americans with Disabilities Act)
- \*This provision applies across most commercial settings, including but not limited to retail, food services, offices, gyms and fitness centers, amusement and family entertainment, hair salons, barber shops and other personal care services, among other settings. However, Pre-K to 12 schools, public transit, homeless shelters, correctional facilities, nursing homes, and healthcare settings are exempt and must continue to follow the State's existing COVID-19 health guidelines until more New Yorkers are fully vaccinated.

### For businesses that do not congregate patrons and/or that operate below the State's social gathering limit of 250 indoors or 500 outdoors (e.g., retail, food services, offices)

If businesses are implementing the CDC guidance, they may require proof of full vaccination status through paper form, digital application, or the State's [Excelsior Pass](#). Alternatively, such businesses may rely upon self-reporting of vaccination status (e.g., honor system).

- If the business is following the CDC guidance, fully vaccinated individuals do not need to wear masks or be socially distanced, but unvaccinated individuals must continue to wear masks and be socially distanced.
  - The business may decide to apply this guidance to the entire establishment or a separate, designated part of the establishment.
- If the business is not following the CDC guidance, all individuals must wear masks and maintain six feet of social distancing.
  - Business capacity is only limited by the space available for patrons or parties of patrons to maintain the required social distance.

### For businesses that congregate patrons and operate above the State's social gathering limit (e.g., event venues, sports competitions, performing arts and entertainment, catering halls, conventions)

Business capacity is only limited by the space available for patrons or parties of patrons to maintain the following required distance:

Unvaccinated individuals\*\* and individuals who have an unknown vaccination status must be spaced six feet apart in assigned sections. Masks are required indoors, except while seated and eating or drinking. Masks are optional outdoors while seated and socially distanced.

- \*\*For indoor events above the gathering limit, attendees over the age of four who are not presenting proof of full vaccination status must instead present proof of recent negative COVID-19 test result (i.e., PCR/NAAT within 72 hours or antigen within 6 hour prior to admission). Outdoor events do not require proof of recent negative COVID-19 test result.

Fully vaccinated individuals do not need to be socially distanced in assigned sections. Masks are optional.

- Businesses seeking to implement fully vaccinated sections, eliminating social distancing and increasing capacity, must require proof of vaccination status and cannot rely upon self-reporting of vaccination status (e.g., honor system). Businesses can operate up to 100% capacity so long as all attendees are fully vaccinated, consistent with all applicable federal and state laws and regulations.

Children under the age of 12 who are not yet vaccine eligible, and under the age of 16 who have not yet been vaccinated, may accompany and be seated with a vaccinated adult in a fully vaccinated section.

WEAR A MASK.

GET TESTED.

SAVE LIVES.



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## New York State's Reopening Guidance, Effective May 19

Businesses are authorized to keep the current guidance in place:

- Require 6 feet of social distancing and masks for all individuals, including employees and/or patrons

OR

Businesses can adhere to CDC guidelines:

- Unvaccinated individuals:** Require 6 feet of social distancing and wear masks in most settings
- Vaccinated individuals:** No social distancing or masks required, except certain settings

Businesses that congregate patrons and operate **above** the social gathering limit\*

Businesses that do not congregate patrons and/or that operate **below** the social gathering limit

Businesses must require proof of vaccination via:

- Paper form
- Digital application
- State's [Excelsior Pass](#)

Businesses may rely upon self-reporting of vaccination status (e.g., honor system)

Businesses may decide to apply CDC guidance to the entire establishment or a separate, designated part of the establishment\*\*

- Business capacity is only limited by the space available for patrons or parties of patrons to maintain the required distance
  - Businesses can operate up to 100% capacity so long as all attendees are fully vaccinated
- Implementation options to consider:
  - Assign part of space for vaccinated individuals based on % of the total capacity or absolute #
  - Assign different times to vaccinated and unvaccinated individuals

Businesses may decide to apply CDC guidance to the entire establishment or a separate, designated part of the establishment

- Business capacity is only limited by the space available for patrons or parties of patrons to maintain the required distance

**See prior page for more detailed guidance on New York State's implementation of CDC guidance.**

\*As of May 19, the State's social gathering limits are 250 attendees indoors and 500 attendees outdoors.  
 \*\*Indoor events above the gathering limit require unvaccinated individuals to present proof of recent negative COVID-19 test result.