



New York State Lifts Indoor Mask Mandate

February 10, 2022

On February 9, 2022, New York Governor Kathy Hochul **announced** that, effective today, Thursday, February 10, she was lifting **the mask mandate requirement** for all indoor public places except for those noted below.

Initially prompted by a surge in positive COVID-19 cases, **previous guidance** issued in mid-December required masks to be worn in all indoor public places unless the business or venue implemented a vaccination requirement. Originally set to expire on January 15, 2022, the mandate was extended twice by the Department of Health and was to remain in effect until February 10, 2022. The Governor's announcement confirmed that the general mandate was not extended again. Therefore, the general mask mandate ended on February 10, 2022 at 12:01 am.

However, the mask mandate remains in effect for:

- State-regulated health care settings;
- State-regulated adult care facilities and nursing homes;
- Correctional facilities and detention centers;
- Schools (Pre K to grade 12) and childcare centers;
- Homeless shelters;
- Domestic violence shelters;
- Public transit and transportation hubs (buses and bus stations, trains and train stations, subways and subway stations); and
- Trains, planes and airports (per federal regulations).

The mask mandate for Pre-K to grade 12 schools is expected to be reassessed in early March.

Governor Hochul emphasized that even where the statewide requirement has been lifted, counties, cities, and individual businesses can still choose to require patrons and/or employees to wear masks. For example, New York City currently **requires** that unvaccinated individuals "wear a mask whenever [they] are in a public space, indoors or outdoors."

Guidance for Higher Education Institutions

As noted above, institutions of higher education are no longer required by New York State to mandate masks indoors. Institutions may, however, be required by their local department of health, county, or city to require such masking.

Even if an institution is no longer required to have an indoor mask mandate, the institution is permitted to keep or impose such a mandate if it wishes. Notably, [CDC guidance](#) for Institutions of Higher Education issued on February 7, 2022 recommends that institutions require indoor masking for those who are not up to date with their vaccines regardless of the level of community transmission, and, in public areas of substantial or high transmission, require indoor masking for everyone regardless of vaccination status. The American College of Health Association's [latest guidance](#) also recommends that institutions of higher education distribute and promote the use of masks. Additional information on the ACHA guidance can be found in our [previous client alert](#).

If you have questions regarding any implications of this announcement or its potential effect on your higher education institution, school, or business, please feel free to contact James G. Ryan at (516) 357-3750 or jryan@cullenllp.com, Dina L. Vespia at (516) 357-3726 or dvespia@cullenllp.com, Jennifer A. McLaughlin at (516) 357-3889 or jmclaughlin@cullenllp.com, and Jennifer E. Seeba at (516) 296-9173 or jseeba@cullenllp.com.

Thank you to Michelle Artiles for her assistance with this client alert.

Please note that this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

Practices

- Higher Education

Attorneys

- Dina L. Vespia
- Jennifer A. McLaughlin