



## Office of Children and Family Services

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Governor

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Commissioner

### **Interim Guidance on Executive Orders 202.17 and 202.18 Requiring Face Coverings in Public During the COVID-19 Outbreak** April 17, 2020

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#### **Background:**

In December 2019, a new respiratory disease called the novel coronavirus (COVID-19) was detected. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both confirmed and suspected cases is increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has taken aggressive action through [Executive Order 202](#), as amended, to combat the spread of this infectious disease, reducing the density of people in areas of common congregation by closing the in-person operations of non-essential businesses and prohibiting all non-essential gatherings of individuals of any size for any reason.

#### **Executive Orders:**

[Executive Order 202.17](#), issued on April 15, 2020, provides the following directive:

*Effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.*

[Executive Order 202.18](#), issued on April 16, 2020, provides the following directive:

*Any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle. This directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020.*

#### **Guidance:**

Individuals must procure, fashion, or otherwise obtain face coverings and wear such coverings when they are in a public place and are:

- within six feet of distance from other individuals; or
- in a situation or setting where they are unable to maintain six feet of distance from other individuals; or
- in a public or private transportation carrier or for-hire vehicle.

Children do not need to wear face coverings when they are in a child care program. In addition, the outdoor space that belongs exclusively to the child care program is not considered a public place.

Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention's "Coronavirus Disease 2019 (COVID-19)" [website](#) for [information](#) on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use, cleaning, and disposal. Instructions for wearing and making cloth face coverings can be found on the OCFS website at: <https://ocfs.ny.gov/main/news/2020/DOH-COVID-2020Apr08-Cloth-Masks.pdf>.

Please note that the most protective PPE (e.g. N-95 respirators) remains a critical need for health care workers and first responders and, therefore, should be prioritized for those settings.

Individuals are required to wear a face covering in the above mentioned situations and settings, provided that they are older than two (2) years of age and able to medically tolerate a covering. If a face covering would inhibit or otherwise impair an individual's health or if an individual is not older than two (2) years of age, an individual is not required to wear or use such a covering. Further, essential business operators and enforcement authorities are prohibited from requesting or requiring medical or other documentation from an individual who declines to wear a face covering due to a medical or other health condition that prevents such usage.

Nothing in Executive Order 202.17 or 202.18 shall remove the obligation of essential businesses, as well as state and local government agencies and authorities, to procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee, pursuant to [Executive Order 202.16](#).

Public and private transport operators required to wear a face covering while transporting passengers should consult the New York State Department of Health's "[Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak](#)," issued on April 14, 2020, for further information.

**Additional Information:**

New York State Department of Health Coronavirus (COVID-19) Website  
<https://coronavirus.health.ny.gov/>

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>