In early August 2021, New York City Mayor Bill de Blasio announced the Key to NYC, which requires patrons of indoor dining, indoor fitness and indoor entertainment 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 regularly provide negative COVID-19 test results.

**Critical Aspects of the “Key to NYC”**

- Businesses must check the vaccine status of those aged 12 and over and may not permit entry to the unvaccinated.
• Customers may be allowed entrance to engage in any activity that should reasonably be expected to take fewer than 10 minutes (e.g., to use the bathroom).

• Businesses must place a City-issued poster in a place that is clearly visible to patrons and have a written plan for implementation of the vaccine policy available for inspection upon request.

• If they so choose, these establishments may keep a record of people who have shown their vaccination status previously, so that it need not be shown on every occasion (e.g., fitness clubs).

• Proof of vaccination may be provided using the New York State Excelsior Pass, the New York City COVID Safe Application, a NYC Vaccination Record, a CDC Vaccination Card (or a photo of the Card), or an official immunization record from outside of New York or the United States.

It’s important to note that the mandate’s 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), entry is permitted to NYC venues covered by this mandate with only one dose and no waiting period.

We also note that the Mayor’s Counsel’s Office has issued an FAQ covering several questions raised by hospitality and entertainment venues after this mandate was first announced.

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

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