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[Interim Guidance for New York City Indoor Food Services](https://web.archive.org/web/20210521233608/https://www.governor.ny.gov/sites/governor.ny.gov/files/aton)

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GUIDANCE FOR NON-CONGREGATE FOOD SERVICES SETTINGS

If I choose not to implement the CDC guidance, what restrictions must I comply with?

You must continue to adhere to all provisions and restrictions in the DOH Interim Guidance on Food Services, e.g., all patrons must wear face coverings other than when seated; patrons must wear face coverings when standing, and may not stand other than for entry, exit, use of restrooms, and any other DOH approved activity; tables must be spaced 6 feet apart; parties must maintain 6 feet of distance, etc. This applies whether patrons and/or employees are vaccinated or unvaccinated if CDC guidance is not being implemented.

Capacity is limited to the lesser of 100% of certificate of occupancy or the number of individuals as can be properly

spaced.

What does it mean to "implement CDC guidance?"

You must have a system in place that distinguishes between patrons and employees who are fully vaccinated and those who are unvaccinated.

If I choose to implement the CDC guidance, how must I determine if patrons and employees are vaccinated or unvaccinated?

You must ensure that patrons and employees are vaccinated or unvaccinated either by: (1) paper evidence, (2) electronic evidence, (3) Excelsior Pass, or (4) self-reporting (honor system).

May a licensee refuse to admit patrons and/or treat them as unvaccinated if they do not show documented proof of vaccination and will only offer proof under the "honor system"?

Licensees can decide to exclude unvaccinated patrons if there is no area of the premises being designated for unvaccinated service, consistent with all applicable state and federal laws. They can also insist on documented means to prove vaccination status, and not rely on self-reporting.

If implementing the CDC guidance, are there any restrictions on vaccinated individuals regarding face coverings, distancing/seating, etc.?

No, however businesses can choose to require masks and/or distancing if they see fit.

If implementing the CDC guidance, may vaccinated individuals, without the need for face coverings or distancing, stand, walk freely about the premises, dance, participate in activities (e.g., darts, pool), etc.?

Yes, since there are no social distancing or face covering requirements for such individuals, unless the licensee determines otherwise.

If implementing the CDC guidance, what restrictions remain for unvaccinated individuals?

Unvaccinated individuals must continue to wear face coverings other than when seated and eating.

Unvaccinated individuals/parties must remain 6 feet distant from others. Unvaccinated individuals may only participate in standing activities while wearing a face covering and following other DOH guidance.

Unvaccinated individuals must be separated by 6 feet from vaccinated individuals who are or may be walking freely throughout the rest of the establishment (e.g., a designated vaccinated section or sections).

What if some of your employees are not vaccinated or you cannot confirm that they are?

Those employees must continue to wear face coverings and abide by DOH Interim Guidance for Food Services, consistent with any applicable state or federal law (e.g., the Americans with Disabilities Act).

What protocols must be followed in bathrooms and other common areas if the entire premises is not implemented for the CDC guidance?

If non-vaccinated employees and/or patrons are permitted in the premises, they must wear face coverings and engage in social distancing, including while waiting for or using a bathroom or other common area.

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