



**Commissioner's Determination on Masking in Certain Indoor Settings
Pursuant to 10 NYCRR 2.60**

March 2, 2022

Pursuant to [10 NYCRR 2.60](#), I hereby issue the following determination, which includes findings of necessity, to support the face masking/covering requirements set forth below, effective immediately:

Findings of necessity:

The COVID-19 pandemic continues to impact New York State, with the Omicron variant continuing to pose a substantial public health concern. As of February 28, 2022, COVID-19 cases (7-day average 10.6 cases per 100,000 persons) have declined to levels last observed in July 2021, but levels of hospitalization (7-day average 1.2 new admissions per 100,000 persons and over 1,900 persons currently hospitalized) and death (7-day average of 29) remain high at levels last observed in November 2021.

Beyond the ongoing COVID-19 burden in communities, since the start of the COVID-19 pandemic, congregate living settings, and public transportation conveyances and hubs, have been at increased risk for transmission. For example, CDC studies have documented outbreaks and ongoing transmission in nursing homes, homeless shelters, and correctional settings, and New York data document ongoing COVID-19 outcomes in nursing homes and other long-term facilities, as well as correctional facilities.

As the work to slow the spread of the SARS-CoV-2 virus continues in New York, the ongoing requirement for masking/face covering in certain indoor settings will help ensure that there is protection for the people in these indoor settings, which include vulnerable individuals, such as those residing in Adult Care Facilities or staying in hospitals, or homeless and other shelters, and correctional facilities and those using public transportation.

The above findings demonstrate the necessity to extend the implementation of further prevention strategies that include face coverings/masks in certain indoor settings. COVID-19 spreads through respiratory droplets, and several studies have shown that appropriate face coverings/masks reduce the spray of droplets when worn correctly, fully covering one's nose and mouth. Additionally, [as noted by the CDC](#), multiple "real-world" studies have shown face coverings substantially decrease SARS-CoV-2 transmission. Two important new studies from CDC include:

- A case-control study of over 3,000 participants demonstrated a 56% to 83% lower odds of contracting the SARS-CoV-2 virus (depending on mask quality) among those who reported always wearing a mask in indoor settings compared to those who didn't.
- A study of household transmission found that, in households with an index patient infected with the Omicron variant, household contacts who wore masks had a 43% lower chance of becoming infected compared to those who did not wear masks.

Further, as also reported by the CDC, research supports that there are no significant health effects or changes in oxygen or carbon dioxide levels from mask wear.

Properly wearing an appropriate mask is an effective measure to protect against the transmission of the COVID-19 virus, including its variants. While the Omicron-related surge continues to decline dramatically, the statewide number of COVID cases remains high and the number of hospitalizations continues to be a potential stress to the healthcare system. Although the percentage of New Yorkers who are fully vaccinated and boosted continues to increase at a slow rate, coverage levels alone may not adequately curb the spread of the Omicron variant or substantially reduce infection risk in these indoor settings.

Accordingly, based on the foregoing findings of necessity, I hereby issue the following masking requirements:

Face Covering/Masking Requirements¹

1. Healthcare settings:

- a. *Personnel:* After careful review and consideration of [CDC recommendations](#) for face masks in healthcare settings regulated by the Department, I hereby adopt such recommendations, imposing them as requirements, where applicable. Accordingly, all personnel, regardless of vaccination status, in a healthcare setting (i.e., facilities or entities regulated under Articles 28, 36 and 40 of the Public Health Law) shall wear an appropriate face mask in accordance with applicable CDC exceptions, until this determination is modified or rescinded.
- b. *Visitors to Healthcare Facilities:* After careful review and consideration of [CDC recommendations](#), all visitors two years of age and older and able to medically tolerate a face covering/mask shall be required to wear a face covering/mask in health care facilities, regardless of vaccination status, subject to applicable CDC exceptions, and until this determination is modified or rescinded.

2. Adult care facilities (ACFs) regulated by the Department:

- a. *Personnel:* After careful review and consideration of the core principles for infection control to protect the health and safety of both fully vaccinated and unvaccinated residents, all ACF personnel, regardless of vaccination status, shall wear an appropriate face mask if providing direct medical care and at a minimum, a cloth face covering by other staff in such settings, in accordance with any applicable CDC exceptions, until this determination is modified or rescinded.
- b. *Visitors:* After careful review and consideration of [CDC Recommendations](#), all visitors, who are two years of age and older and able to medically tolerate a face covering/mask shall be required to wear a face covering/mask in such setting, subject to CDC exceptions, and until this determination is modified or rescinded.

3. Correctional facilities and detention centers:

- a. *Incarcerated/Detained Persons and Staff:* After careful review and consideration of [CDC recommendations](#) for face coverings/masks, all incarcerated/detained Persons and staff shall wear an appropriate face covering/mask when social distancing cannot be maintained, and in accordance with applicable CDC exceptions (e.g., eating and sleeping), until this determination is modified or rescinded.

¹ Nothing in this determination shall be interpreted as inconsistent with the Americans with Disabilities Act (ADA), workplace safety guidelines, or applicable federal regulations.

- b. Visitors: After careful review and consideration of [CDC recommendations](#) for face coverings/masks in correctional facilities and detention centers, all visitors two years of age and older and able to medically tolerate a face covering/mask shall wear an appropriate face covering/mask in accordance with applicable CDC exceptions, until this determination is modified or rescinded. Correctional facilities and detention centers may impose their own policies for private visitation.
4. Homeless and other shelters (including overnight emergency shelters, day shelters, and meal service providers):
 - a. After careful review and consideration of [CDC recommendations](#), all clients, visitors, staff, and volunteers two years of age and older and able to medically tolerate a face covering/mask shall wear an appropriate face mask/covering regardless of vaccination status, when social distancing cannot be maintained and in accordance with applicable CDC exceptions (e.g., eating and sleeping), until this determination is modified or rescinded.
5. Public transportation conveyances and transportation Hubs
 - a. After careful review and consideration of [CDC recommendations](#) for face coverings/masks on public transportation conveyances and at transportation hubs, all persons, two years of age and older and able to medically tolerate a face covering/mask, regardless of vaccination status, shall wear an appropriate face covering/mask while in indoor areas of conveyances or while indoors at transportation hubs, in accordance with applicable CDC exceptions, until this determination is modified or rescinded.
 - b. This requirement does not extend to buses or vans operated by public or private school systems, including early care and education/childcare programs.
 - c. Updates to the above referenced CDC recommendations will not necessarily require issuance of a revised or modified determination. However, such CDC recommendations will be continuously monitored by the Department, and updated determinations issued, as appropriate.

Current [CDC guidance](#) recommends masking in schools when there is a high level of community COVID-19 burden, in order to keep children in school without risking close contact exposure that may lead to infection. **While this determination does not mandate universal masking in schools, nothing in this determination shall be construed as limiting a county, city, town, health department or school district from requiring the use of face coverings in schools.**

Updates to the above referenced CDC recommendations will not necessarily require issuance of a revised or modified determination. However, such CDC recommendations will be continuously monitored by the Department, and updated determinations issued, as appropriate.



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Commissioner of Health