

## e-Alert

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# New York State Court Strikes Down Statewide Mask or Proof Requirement

## Background

On January 24, 2022, the NYS Supreme Court in Nassau County struck down New York State's COVID-19 mask-or-proof of vaccination requirement for indoor public places, arguing that the NYS Department of Health did not have the legal authority to implement such regulation without the state legislature's approval. On January 25, 2022, the NYS Appellate Division [granted a stay](#) (suspension) of the Nassau County Court's decision pending determination of the State's appeal.

## Summary

### Current Directive

NY Governor Kathy Hochul reimplemented a directive, effective December 15, 2021, that all indoor public places were ordered to require mask wearing by all individuals (regardless of vaccination status) unless full COVID-19 vaccination was a condition of entry.

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- Based on the stay granted by the NYS Appellate Division, the directive remains in place.
- The directive was initially effective through January 15, 2022 but has now been extended through February 10, 2022.

## Employer Next Steps

- NY employers must require employees to wear appropriate face covering in accordance with guidance from [NYS Department of Health](#) or the [CDC](#).
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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