

FREQUENTLY ASKED QUESTIONS

KEY TO NYC: REQUIRING COVID-19 VACCINATION FOR INDOOR ENTERTAINMENT, RECREATION, DINING AND FITNESS SETTINGS

Kapil Longani
Counsel to the Mayor

Alexis Blane
Principal Deputy Counsel

Bess Chiu
Chief of Staff

Katherine Cocklin
Deputy Counsel

To help stop the spread of COVID-19, New York City is launching *Key to NYC*, which requires certain establishments to verify that staff and patrons are vaccinated against COVID-19.

Key to NYC launches on August 17, 2021 with City outreach and education. Enforcement will begin on September 13, 2021.

Types of Establishments and Settings

What types of entities need to ask for proof of vaccination?

Certain types of indoor entertainment, recreation, dining and fitness establishments are required to check that their visitors and staff are vaccinated.

What spaces are considered “indoors”?

For purposes of *Key to NYC*, “indoor” spaces are those that have a roof or overhang and three or more walls. *However*, for purposes of *Key to NYC*, the following structures are considered outdoors, and operators do not need to check vaccination status:

- Structures on a sidewalk or roadway and entirely open on the side facing the sidewalk, or
- An outdoor dining structure designed for individual parties (such as plastic domes) so long as the dome has adequate ventilation to allow for air circulation.

What types of indoor entertainment settings are required to comply?

Movie theaters, music or concert venues, adult entertainment, casinos, botanical gardens, commercial event and party venues, museums and galleries, aquariums, zoos, professional sports arenas and indoor stadiums, convention centers and exhibition halls, performing arts theaters, bowling alleys, arcades, indoor play areas, pool and billiard halls, and other recreational game centers. If a venue has both indoor and outdoor portions, only the indoor portion is covered by the *Key to NYC* requirements.

What types of food service establishments are required to comply with *Key to NYC*?

The following are required to comply, unless they offer take-out or delivery only:

- All food service establishments that are part of the NYC Department of Health and Mental Hygiene’s restaurant grading program that offer indoor dining or beverage service, including:
 - Restaurants
 - Bars
 - Coffee shops
 - Night clubs

- Dining establishments in hotels, colleges and universities, and malls
- Cafeterias
- Businesses that operate indoor seating at food courts, including in hotels and malls
- Businesses that provide on-premises catering services
- Grocery stores, food markets, bodegas and other food retailers that are regulated by the New York State Department of Agriculture and Markets if they offer indoor on-site eating areas

If an establishment offers only take-out, delivery or outdoor dining, any indoor tables, chairs, or other furnishings normally used by patrons for indoor dining must be removed or blocked off (e.g., with signs or tape) so they are unavailable for use.

What types of fitness establishments are required to comply?

Standalone gyms and fitness centers; hotel gyms and fitness centers; gyms and fitness centers in higher education institutions; yoga, Pilates, dance, and barre studios; boxing and kickboxing gyms; fitness boot camps; indoor pools; CrossFit or other plyometric boxes; and other places holding indoor group fitness classes.*

*Note: "Group fitness classes" are defined as two (2) or more participants led by an instructor.

Does Key to NYC apply to indoor dining, entertainment and fitness settings in residences or offices?

Indoor dining, entertainment and fitness located in the following settings are exempted from *Key to NYC*:

- Private residential buildings when those settings are available only to residents
- Office buildings when those settings are available only to office staff
- Pre-K through grade 12 schools
- Senior centers
- Community Centers
- Child care programs

Verifying Proof of Vaccination

Who must display proof of vaccination?

Employees, patrons, interns, and volunteers at *Key to NYC* establishments must display proof of vaccination. Contractors working with *Key to NYC* establishments who are residents of New York City must also display proof of vaccination. Businesses may keep a record of people who have previously provided proof of vaccination, rather than require the proof be displayed every time the person enters the establishment.

What about individuals under the age 12 who are not eligible for vaccination in New York?

Individuals under the age of 12 may enter *Key to NYC* establishments without displaying proof of vaccination so long as they wear a face mask, except when eating and drinking, whenever they are unable to maintain six feet of social distance from other people.

Are individuals allowed to use the bathroom or a locker room to change clothes without showing proof of vaccination?

Yes, as long as they wear a face mask whenever they are unable to maintain six feet of social distance from other people.

Do I need to check proof of vaccination for suppliers or vendors?

No. You do not need to check proof of vaccination for individuals making deliveries or pickups, for individuals who enter the establishment solely for the purpose of making necessary repairs, or for individuals picking up items such as food for takeout or delivery. These individuals must wear a face mask whenever they are unable to maintain six feet of social distance from other people.

What about performers appearing at an indoor entertainment venue or food service establishment and individuals accompanying them as part of their regular employment —do I need to verify proof of vaccination for them?

Only if they are residents of New York City or they are employees of the *Key to NYC* establishment. Any other performer, or person accompanying that performer, does not need to provide proof of vaccination.

What about professional athletes who are appearing at an indoor area of a sports stadium or arena and individuals accompanying them as part of their regular employment —do I need to verify proof of vaccination for them?

Only if they are residents of New York City. Any other professional athlete, or person accompanying that athlete, does not need to provide proof of vaccination.

Types of Proof of Vaccination

What types of proof of vaccination are sufficient?

Individuals must demonstrate that they have received at least one dose of a vaccine authorized by the United States [Food and Drug Administration](https://www.fda.gov/food/food-and-drug-administration) or by the [World Health Organization](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines).

- FDA: <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>
- WHO: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>

Sufficient proof may be demonstrated by displaying:

- A photo or hard copy of their CDC vaccination card
- NYC COVID Safe App
- New York State Excelsior App
- Official vaccine record
- A photo or hard copy of an official vaccination record of a vaccine administered outside the United States for one of the following vaccines¹: AstraZeneca/SK Bioscience, Serum Institute of India/COVISHIELD and Vaxzevria, Sinopharm, or Sinovac.

¹ Current as of August 14, 2021.

What if an individual refuses to show proof of vaccination at a *Key to NYC* establishment?

An individual who refuses to show proof of vaccination may not enter except for very quick and limited purposes (such as using the bathroom, picking up food, paying a bill, or changing in a locker room). When entering a venue for such limited purposes, the individuals must wear a face mask whenever they are unable to maintain six feet of social distance from other people.

What information do international vaccination cards need to include?

Proof of vaccination for vaccines administered outside the U.S. may be demonstrated by an official immunization record that includes all of the following:

- First name and last name
- Date of birth
- Vaccine product name (ex: AstraZeneca/SK Bioscience)
- Date(s) administered
- Site where the vaccine was administered or person who administered the vaccine

For the most up-to-date information on vaccines authorized for emergency use by the WHO, refer to the WHO website at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>.

Do I need to check identification for everyone?

You must check identification of anyone appearing to be 18 years of age or older. This identification must be checked at the same time you check proof of vaccination for entrance to an indoor space. In addition, you may check identification for individuals under 18 years old, but are not required to do so.

You do not need to check identification for people, such as employees or members of a fitness studio or cultural institution, if the proof of vaccination is being matched against identity records you already maintain for that person.

What must the identification contain?

The identification must allow you to confirm that the person requesting entrance is the same person reflected on the proof of vaccination. This means that the identification must contain either:

- The name of the individual and a photo of the individual; or
- The name of the individual and the individual's date of birth.

You must then compare the name and photo or date of birth with that displayed on the proof of vaccination.

What are examples of acceptable forms of identification?

Examples of acceptable forms of identification include but are not limited to:

- Driver's license
- Non-driver government ID card
- IDNYC card
- Passport
- School or work ID card

Individuals may also show copies of their identification document, including a picture on their phone or by using an app like NYC Covid Safe that allows them to display a copy of the document.

Do I need to verify that the proof of vaccination is real?

No.

What if someone presents a fake vaccination card?

If you suspect someone is presenting a fake vaccination card, you may report it by calling 311, report it to the NYS Attorney General by filing a complaint via: <https://ag.ny.gov/complaint-forms>, calling 833-VAX-SCAM (833- 829-7226), or emailing the state Department of Health at STOPVAXFRAUD@health.ny.gov

Do I need to provide any reasonable accommodations to patrons and employees?

Each *Key to NYC* business should consider appropriate reasonable accommodations, mindful of the purposes behind this policy and public health. For additional information, call the Small Business Services hotline at 888-SBS-4-NYC.

May a *Key to NYC* establishment adopt a stricter policy and require that staff and patrons be fully vaccinated to enter my establishment?

Yes. *Key to NYC* requires one dose of a COVID-19 vaccine, but *Key to NYC* establishments may go beyond the *Key to NYC* requirements and require full vaccination but should consider appropriate reasonable accommodations.

Where may patrons or staff make complaints about discrimination?

People have a right to be free from discrimination or harassment from businesses. Contact the NYC Commission on Human Rights at nyc.gov/HumanRights or via 311.

Required Signs and Documents

Is there any required signage?

Yes. An establishment covered by *Key to NYC*, must post a sign that notifies employees and patrons about the vaccination requirement. An establishment may post a sign created by the NYC Health Department, which is available online at nyc.gov/keytoNYC or by calling 311, which will mail the sign to you for free. The sign is available in multiple languages.

An establishment may also create its own sign, which must be at least 8.5 x 11 inches, use at least 14-point font, and include this text: *"New York City requires staff and customers 12 years of age and older to be vaccinated against COVID-19 in order to enter this establishment. To find out where to get a free COVID-19 vaccine visit nyc.gov/vaccinefinder or call 877-VAX-4NYC (877-829-4692). For more information on Key to NYC, visit nyc.gov/keytoNYC."*

Where do I need to post the sign?

The sign must be posted in a location that is easily visible by patrons before they enter the indoor area.

What documents do I need to maintain?

You must have a written record that describes how you will verify proof of vaccination for staff and patrons. The record must be on site and available for inspection.

Are there webinars available to help me understand this guidance?

Yes. Visit nycsmallbizcourses.eventbrite.com and search for “Key to NYC Guidelines and Resources to Help Your Business” to find upcoming virtual webinars that will walk you through the guidelines and other resources available to help your business.

Enforcement

What should private businesses do when customers refuse to cooperate?

The Office of Administrative Trials and Hearings will be posting a webinar (<https://www1.nyc.gov/site/oath/conflict-resolution/conflict-resolution.page>) setting out best practices for conflict resolution training between customers and businesses by August 20, 2021. Private businesses should call 911 to report an emergency situation or condition that might cause danger to life or personal property.

How will Key to NYC requirements be enforced?

Inspectors from various City agencies will be enforcing these requirements beginning September 13, 2021. All inspectors, no matter which agency they are from, will be inspecting for compliance with the same *Key to NYC* requirements.

Are there any penalties for noncompliance?

As of September 13, 2021, an establishment found to be noncompliant may be subject to a fine of \$1,000. Repeated violations may result in increased fine amounts or other enforcement action.

Who can I call with questions or concerns about inspections?

Call the Small Business Services hotline at 888-SBS-4-NYC.

Getting Vaccinated

Where can I learn more about the COVID-19 vaccine?

The COVID-19 vaccine is safe, effective and free. Learn more at nyc.gov/covidvaccine or by calling 311.

Where can my employees be vaccinated?

To find a vaccination site go to Vaccine Finder (nyc.gov/vaccinefinder) call 877-VAX-4NYC (877-829-4692) to find a location near you or schedule an appointment.