

(UPDATED) New York State Court Strikes Down Statewide Mask or Vaccine Requirement for Indoor Public Places

Law and the Workplace Blog on January 25, 2022

*****UPDATE: In a whiplash-inducing turn, on January 25, 2022, the New York State Appellate Division [granted a stay](#) of the Nassau County court's decision pending determination of the State's appeal. As such, the mask-or-vaccine requirement remains in effect for the moment. We will continue to monitor and report on further developments.*****

On January 24, 2022, the New York State Supreme Court in Nassau County [struck down](#), effective immediately, the State's COVID-19 mask-or-proof of vaccination requirement for indoor public places, holding that the State Department of Health did not have the legal authority to implement the regulation without the approval of the State legislature. A hearing before the New York State Appellate Division on a request for stay of the Nassau County court's ruling has been scheduled for January 25, 2022 and we will provide updates on further developments.

As we [originally reported](#), the now overturned directive took effect on December 15, 2021, through a rule promulgated by the State Commissioner of Health. Under the directive, all indoor public places were ordered to require masks to be worn by all individuals regardless of vaccination status unless the business or venue required proof of full COVID-19 vaccination as a condition of entry. The order was initially effective through January 15, 2022, however Governor Kathy Hochul later extended it through February 1, 2022.

The state court's ruling has no effect on local mask requirements, including the New York City mask order for schools. Further, pursuant to the [New York State HERO Act](#), where not all individuals on premises, including but not limited to employees, are fully vaccinated, employers must require employees wear appropriate face coverings in accordance with guidance from the New York State Department of Health or the Centers for Disease Control and Prevention, as applicable.

We will continue to monitor and report on further developments with regard to this ruling and statewide COVID-19 requirements.

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