

Who does the travel advisory apply to?

According to the Guidance, the travel advisory does **not** apply to individuals traveling through the designated states for a limited duration of less than 24 hours. The Guidance lists examples of “brief passage” to include stopping at rest stops or layovers for air, bus or train travel.

If, however, a person has spent more time in the impacted states, they must quarantine. The Order applies to **all New Yorkers and all visitors entering the state.**

Importantly, the Guidance differentiates how the travel restriction applies to essential workers. We discuss this in more detail below.

What are the requirements of quarantining?

The Guidance sets forth specific measures to quarantine. They include:

- An individual must not be in public or otherwise leave the quarters identified as suitable for his/her quarantine.
- The individual must be situated in separate quarters with a separate bathroom facility for each individual or family group. Access to a sink with soap, water, and paper towels is necessary. Cleaning supplies (e.g. household cleaning wipes, bleach) must be provided in any shared bathroom.
- The individual must have a way to self-quarantine from household members as soon as fever or other symptoms develop, in a separate room(s) with a separate door. Given that an exposed person might become ill while sleeping, the exposed person must sleep in a separate bedroom from household members.
- Food must be delivered to the person's quarters.
- Quarters must have a supply of face masks for individuals to put on if they become symptomatic.
- Garbage must be bagged and left outside for routine pick up. Special handling is not required.
- A system for temperature and symptom monitoring must be implemented to provide assessment in-place for the quarantined persons in their separate quarters.
- Nearby medical facilities must be notified, if the individual begins to experience more than mild symptoms and may require medical assistance.
- The quarters must be secure against unauthorized access.

Are there exemptions to the quarantine order?

Yes. The first exemption is the transitory exemption detailed above, where a person travels through one of the impacted states and spends less than 24 hours within the state.

The second exemption applies to essential workers. The Guidance defines three types of essential workers:

1. Any individual employed by an entity included on the Empire State Development (ESD) [Essential Business list](#);
2. Any individual who:
 - a. Is employed as a health care worker, first responder, or within a nursing home, long-term care facility or congregate care setting, [so long as that individual meets the COVID-19 testing criteria](#);
 - b. An individual who directly interacts with the public while working. The Department of Health Protocol for COVID-19 Testing details the employees that fall into this category. [You may find that protocol here.](#)

3. Any other worker deemed as essential by the Commissioner of Health.

How does the quarantine order apply to essential workers?

It depends on the length of the essential workers' stay in New York.

Short term: essential workers traveling to New York for a period of less than 12 hours, including deliveries and layovers.

- Such essential workers should stay in their vehicle and/or limit personal exposure by avoiding public spaces as much as possible.
- Essential workers must, to the extent possible, avoid extended periods in public, contact with strangers and large congregate settings.
- Additionally, such essential workers should monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distance and clean and disinfect workspaces.

Medium Term: essential workers traveling to New York for a period of less than 36 hours, requiring an overnight stay. This includes deliveries and longer layovers.

- Essential workers must, to the extent possible, avoid extended periods in public, contact with strangers and large congregate settings.
- Additionally, such essential workers should monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distance and clean and disinfect workspaces.

Long Term: essential workers traveling to New York for a period of greater than 36 hours, requiring them to stay for several days.

- Essential workers should seek diagnostic testing for COVID-19 as soon as possible upon arrival (within 24 hours) to ensure they are not positive.
- Essential workers should monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distancing, clean and disinfect workspaces for a minimum of 14 days.
- Essential workers, to the extent possible, are required to avoid extended periods in public, contact with strangers, and large congregate settings for a period of at least fourteen days.

Can people violating the order be reported?

Yes. Please see the Guidance for further instruction on how reporting works.

What are the enforcement measures?

New York has the power to issue quarantine orders and fines under the Order. Non-compliance with a quarantine order may lead to a civil penalty of up to \$10,000.

If you have questions, or want to effect the standards applicable to your industry, please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



Bond has prepared this communication to present only general information. This is not intended as legal advice, nor should you consider it as such. You should not act, or decline to act, based upon the contents. While we try to make sure that the information is complete and accurate, laws can change quickly. You should always formally engage a lawyer of your choosing before taking actions which have legal consequences. For information about our firm, practice areas and attorneys, visit our website, www.bsk.com. • Attorney Advertising • © 2020 Bond, Schoeneck & King PLLC

CONNECT WITH US ON LINKEDIN: SEARCH FOR BOND, SCHOENECK & KING, PLLC

FOLLOW US ON TWITTER: SEARCH FOR BONDLAWFIRM