

New York Travel Restrictions: Frequently Asked Questions UPDATED

This has been a busy week regarding New York's travel advisory. On October 13, Governor Andrew Cuomo added Virginia, Michigan and Ohio to the travel advisory. There are now a total of 38 states and U.S. jurisdictions impacted by the travel advisory. Individuals coming into New York, New Jersey and Connecticut from these areas must quarantine for 14 days under [Executive Order 205](#) (the Order). In addition, on September 28, 2020, Governor Cuomo issued [Executive Order 205.1](#) which requires travelers coming to New York from any country with a CDC Level 2 or Level 3 countries to quarantine. On October 8, 2020, the Department of Health updated its [Interim Guidance for Quarantine Restrictions on Travelers Arriving in New York State Following Out of State Travel](#) (the Guidance). The changes to the Guidance are significant. We examine some frequently asked questions about the Order and the Guidance below.

What is the effective date of the travel restriction?

The Order is effective as of 12:01 a.m. on June 25, 2020 for the originally covered states and 12:01 a.m. on the date immediately following the day on which States are added or removed. For states added on October 13, the Order will be effective as of 12:01 a.m. Wednesday, October 14.

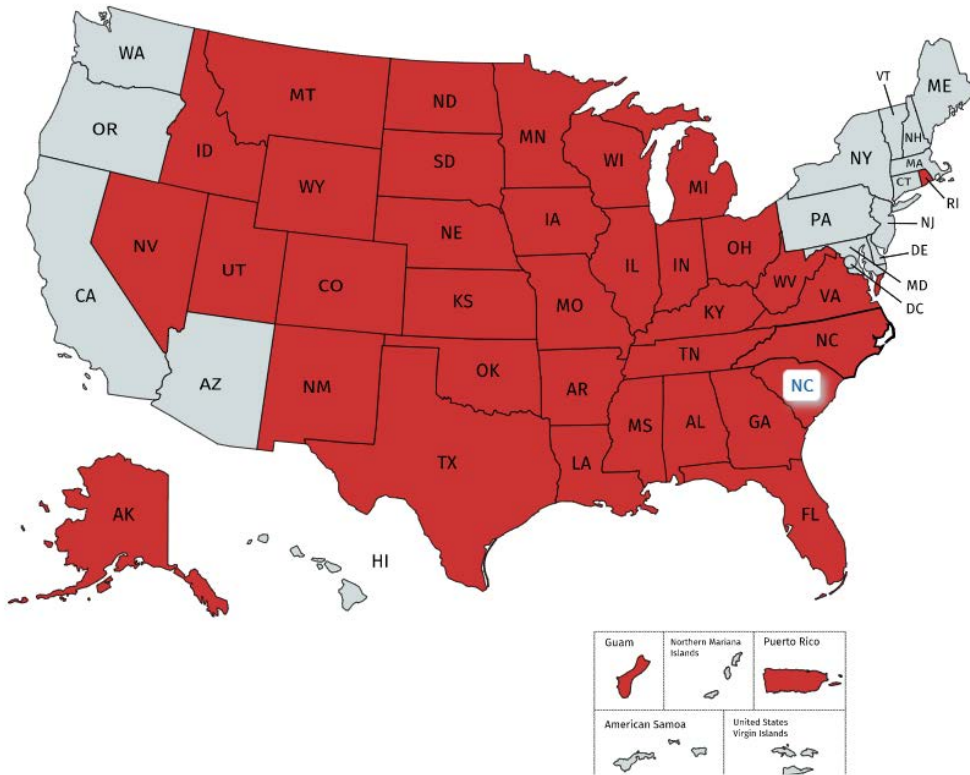
What are the metrics for determining what areas are impacted?

A state qualifies for a travel restriction if it has either (1) a new daily positive test rate higher than 10 per 100,000 residents over a seven-day rolling average, or (2) higher than 10% positivity rate over a seven-day rolling average. According to the Guidance, New York will announce the impacted states on a weekly basis.

What states are currently impacted?

As of October 13, there are 36 states and two territories impacted. They are the following:

1. Alabama (added 6/24/20)
2. Alaska (re-added 9/1/20)
3. Arkansas (added 6/24/20)
4. Colorado (added 9/29/20)
5. Delaware (re-added 9/8/20)
6. Florida (added 6/24/20)
7. Georgia (added 6/30/20)
8. Guam (added 8/25/20)
9. Idaho (added 6/30/20)
10. Illinois (added 7/28/20)
11. Indiana (added 7/21/20)
12. Iowa (added 6/30/20)
13. Kansas (added 7/7/20)
14. Kentucky (added 7/28/20)
15. Louisiana (added 6/30/20)
16. Michigan (added 10/13/20)
17. Minnesota (re-added 9/22/20)
18. Mississippi (added 6/30/20)
19. Missouri (added 7/21/20)
20. Montana (re-added 9/1/20)
21. Nebraska (added 7/21/20)
22. Nevada (re-added 9/22/20)
23. New Mexico (re-added 10/6/20)
24. North Carolina (added 6/24/20)
25. North Dakota (added 7/21/20)
26. Ohio (re-added 10/13/20)
27. Oklahoma (added 7/7/20)
28. Puerto Rico (re-added 9/15/20)
29. Rhode Island (re-added 9/22/20)
30. South Carolina (added 6/24/20)
31. South Dakota (added 8/11/20)
32. Tennessee (added 6/30/20)
33. Texas (added 6/24/20)
34. Utah (added 6/24/20)
35. Virginia (re-added 10/13/20)
36. West Virginia (added 9/8/20)
37. Wisconsin (added 7/14/20)
38. Wyoming (added 9/22/20)



Who does the travel advisory apply to?

According to the Guidance, the travel advisory does **not** apply to individuals traveling through the designated states or nations 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 or nations, 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 or nations 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.

Does the essential worker exemption apply to international travelers?

No. According to the Guidance, the essential worker exemption does “not apply to anyone coming to New York from a CDC Level 2 or Level 3 health notice country.”

Does the essential worker exemption apply to teachers, school employees and child care workers?

No. The Guidance explicitly states that “teachers, school employees and child care workers must quarantine for 14 days after returning to New York from a designated state or country.”

Are there any other exemptions to the travel advisory?

Yes. Exemption requests may be sent to TravelAdvisoryExemption@health.ny.gov. The Department of Health may grant the exemption “based upon extraordinary circumstances, which do not warrant quarantine” but may be in the interest of public health.

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.



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