

New York's Travel Advisory 2.0: Frequently Asked Questions

New York's travel advisory has been substantially altered during the past two weeks. On October 31, Gov. Andrew Cuomo issued [Executive Order 205.2](#), which revised the New York State Travel Advisory for domestic travel. On November 3, the New York State Department of Health issued an [updated guidance document](#) (the November 3 Guidance). The changes made by Executive Order 205.2 and the November 3 Guidance have generated confusion. Below, we discuss some frequently asked questions we have received about these updates.

Which states and countries does the travel advisory apply to?

The travel advisory applies to all states except those bordering New York: Pennsylvania, New Jersey, Connecticut, Massachusetts, and Vermont. It also applies to travelers coming to New York from any country with a CDC Level 2 or Level 3 designation. The full list of Level 2 and Level 3 countries may be found [here](#).

What does the travel advisory require?

Before, people coming to New York from a designated state or country would have to quarantine for 14 days without the ability to “test out” of quarantine. Executive Order 202.52 and the November 3 Guidance changed this rule. Now, travelers coming to New York must receive a COVID-19 test within 72 hours prior to arriving in New York. Further, travelers coming to New York must quarantine for 14 days and may test out of the 14-day quarantine if they do the following:

1. Quarantine for at least three days;
2. On the fourth day, seek a COVID-19 test; and
3. Receive a **second** negative test result.

A traveler may exit quarantine upon receiving the second negative test result.

Does the 24-hour exemption still apply?

Yes. Travelers coming to New York after being in a non-continuous state or a designated country for less than 24 hours do not have to quarantine. Such travelers must still fill out the traveler health form upon return and receive testing for COVID-19 on their fourth day in New York.

How does the November 3 Guidance impact essential workers?

The short-term, medium-term, and long-term exceptions for essential workers continue. The short-term and medium-term exceptions remain the same from the prior guidance.

There are changes to the long-term exception. For essential workers traveling to New York for a period of greater than 36 hours—including New Yorkers who traveled out of state—essential workers must be tested for COVID-19 on the fourth day after arriving in New York. During that interim period, such employees may continue to work.

There are exceptions. Nursing home and adult care facility staff must receive a negative COVID-19 test before returning to work. Further, teachers, school employees, and child-care workers cannot use the long-term essential worker exemption. If such employees want to “test out” of their 14-day quarantine, they must follow the testing protocol described above.

May international travelers qualify as essential workers?

Yes. The November 3 Guidance is explicit: international travelers may qualify as essential workers.

Who is considered an essential worker?

The November 3 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 meets the COVID-19 testing criteria, pursuant to their status as either an individual who is employed as a health care worker, first responder, or in any position within a nursing home, long-term care facility, or other congregate care setting, or an individual who is employed as an essential employee who directly interacts with the public while working, pursuant to [DOH Protocol for COVID-19 Testing](#), issued May 31, 2020; or
3. Any other worker deemed such by the Commissioner of Health.

What are the consequences for non-compliance?

If an individual does not follow the proper testing protocols described above to opt-out of the quarantine, the individual must quarantine for 14 days.

If an individual violates a mandatory quarantine order from the Department of Health and/or the applicable local health department, the individual may face a civil penalty of up to \$10,000 or imprisonment of up to 15 days.

Who must fill out the traveler health form?

All individuals coming to New York from any non-contiguous state must fill out the traveler health form, which may be found [here](#). This includes New York residents who are returning to the state after being in a designated state for less than 24 hours.

Are there any other exemptions to the travel advisory?

Yes. The Department of Health may grant specific exemptions “based upon extraordinary circumstances, which do not warrant quarantine” but may be in the interest of public health.

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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