

**ORDER OF THE BOARD OF HEALTH
TO MODIFY NOVEMBER 2021 ORDER REQUIRING
COVID-19 VACCINATION AND FACE COVERINGS
IN CHILD CARE AND EARLY INTERVENTION PROGRAMS**

WHEREAS, on March 12, 2020, the Mayor issued Emergency Executive Order No. 98 declaring a state of emergency in New York City to address the threat posed by COVID-19 to the health and welfare of City residents, and such order remains in effect; and

WHEREAS, on March 25, 2020, the Commissioner of Health (“Health Commissioner”) declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

WHEREAS, on November 17, 2021, the Health Commissioner issued an Order Requiring COVID-19 Vaccination and Face Coverings in Child Care and Early Intervention Programs (the “November 17, 2021 Order”) to protect from COVID-19 the youngest City residents who were then unable to be vaccinated against the disease, by requiring persons age 2 and older who were able to medically tolerate a face covering to wear one while indoors at child care programs regulated under Articles 43 and 47 of the Health Code, child care programs required to be licensed or registered by the State Office of Children and Family Services, enrolled legally exempt group child care programs pursuant to the Social Services Law, or Early Intervention programs; and

WHEREAS, on November 19, 2021, this Board ratified the November 17, 2021 Order (the “November 19 Board Order”), which remains in effect; and

WHEREAS, on June 17, 2022, the federal Food and Drug Administration authorized emergency use of the Moderna and the Pfizer-BioNTech COVID-19 Vaccines for the prevention of COVID-19 to include use in children 6 months of age and older, and the next day the federal Centers for Disease Control and Prevention endorsed the Advisory Committee on Immunization Practices’ recommendation that all children 6 months of age and older should receive a COVID-19 vaccine, thereby bringing to the country’s youngest residents the best tool for mitigating and preventing the spread of the disease and reducing the severity of illness; and

WHEREAS, children of all ages 6 months and older are now eligible for immunization against COVID-19 and are being vaccinated throughout the City; and

WHEREAS, pursuant to Section 556 of the Charter and Section 3.01 of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

NOW THEREFORE BE IT RESOLVED, as of this date, July 21, 2022, the Board of Health hereby orders that:

1. Paragraph 3 of the November 19 Board Order, requiring individuals 2 years of age and older

who can medically tolerate a face covering to wear one while at a child care program, during provision of Early Intervention services, and during off-site trips and excursions, ratifying the November 17, 2021 Order, is hereby RESCINDED.

2. The remainder of the November 19 Board Order, ratifying the November 17, 2021 Order, shall continue in effect.
3. Nothing in this Order prohibits a child care or Early Intervention program from choosing to require masks for adults or for children over age two, and no child care or Early Intervention program may prohibit the wearing of a face covering by any individual who chooses to wear one, including while on-site at a child care program, during the provision of Early Intervention services, or during off-site trips and excursions. Child care and Early Intervention programs must monitor and adhere to guidance regarding face coverings from the Centers for Disease Control, the State Department of Health, and the Department of Health and Mental Hygiene, including guidance on wearing masks upon return to the child care program or Early Intervention program after a period of isolation or quarantine for COVID-19.