

**ORDER OF THE BOARD OF HEALTH
RESCINDING ORDERS REQUIRING COVID-19 VACCINATION
IN CHILD CARE AND EARLY INTERVENTION PROGRAMS,
FOR NONPUBLIC SCHOOL STAFF, AND FOR
INDIVIDUALS WORKING IN CERTAIN CHILD CARE PROGRAMS**

WHEREAS, on March 25, 2020, the Commissioner of Health and Mental Hygiene (“Commissioner”) declared the existence of a public health emergency within New York 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, pursuant to Section 3.01(d) of the Health Code, when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared, the Commissioner is authorized to issue orders and take actions that are deemed necessary for the health and safety of the City and its residents; and

WHEREAS, on September 12, 2021, the Commissioner issued, and on September 17, 2021, the Board of Health ratified and continued, an Order requiring staff of early childhood programs or services that are provided under contract with the Department of Education or the Department of Youth and Community Development to provide proof of COVID-19 vaccination (the “September 12, 2021 Order”); and

WHEREAS, on November 17, 2021, the Commissioner issued, and on November 19, 2021 the Board of Health ratified and continued, an Order requiring COVID-19 vaccination and face coverings in child care and Early Intervention programs (the “November 17, 2021 Order”), which was modified by the Board of Health on July 21, 2022, to rescind the mask requirement (the “July 21, 2022 Order”); and

WHEREAS, on December 2, 2021, the Commissioner issued, and on December 20, 2021, the Board of Health ratified and continued, an Order requiring COVID-19 vaccination for nonpublic school staff (the “December 2, 2021 Order”); and

WHEREAS, as of January 26, 2023, more than 7.5 million City residents, representing 90% of residents of all ages, have received at least one dose of vaccination against COVID-19, with more than 81% of residents having completed a primary series of vaccination, and 58% of children ages 5 to 12 years have received at least one dose and 51% have completed a primary series of vaccinations; and

WHEREAS, high vaccination rates correlate with lower rates of hospitalization and death and the high rate of vaccination among City residents has proven effective in lessening the burden of COVID-19 on the City’s healthcare system; and

WHEREAS, on September 20, 2022, based on guidance from New York State, the Commissioner issued an Order to Rescind the Covid-19 Vaccination Requirement for Participation in High Risk Extracurricular Activities, which was ratified and continued by the Board of Health on October 25, 2022; and

WHEREAS, on October 25, 2022, the Board of Health rescinded, as of November 1, 2022, the December 13, 2021 Order to Require COVID-19 Vaccination in the Workplace, which had required non-governmental workers to provide proof of COVID-19 vaccination said rescission which took effect November 1, 2022;

NOW THEREFORE BE IT RESOLVED, the Board of Health hereby orders that the September 12, 2021 Order, the November 17, 2021 Order as modified by the July 21, 2022 Order, and the December 2, 2021 Order are **RESCINDED**.

Dated: February 9, 2023