



State of New York

Executive Chamber

No. 202.108

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days through June 16, 2021.

IN ADDITION, by virtue of the authority vested in me by Chapter 71 of the Laws of 2021 to modify or extend any directive issued during this disaster emergency necessary to cope with such disaster, I do hereby modify and extend the following directives consistent with Chapter 71 of the Laws of 2021 for the period from the date of this Executive Order through June 16, 2021:

- The directives contained in Executive Orders 202.38, 202.96, 202.97, 202.106 that each limited capacity at houses of worships, places of public amusement, whether indoors or outdoors, and indoor dining and food services in New York City and in areas outside of New York City, respectively, are hereby further extended and modified to provide that, effective May 19, 2021, there shall no longer be capacity limits based on percentage of maximum occupancy on such entities, subject to adherence to Department of Health guidance.
- The directive contained in Executive Order 202.101, as extended and modified, that permitted large outdoor stadiums that hold 10,000 people or more to operate at 20% capacity and large outdoor performing arts venues that hold 2,500 or more people, including stadiums, to operate at 20% capacity, is further extended and modified to provide that, effective May 19, 2021, there shall no longer be capacity limits based on percentage of maximum occupancy for large outdoor venues, including sports, performing arts and live entertainment, and horse and auto racing venues, subject to adherence to Department of Health guidance. Large indoor event venues shall be permitted to operate at a capacity to be determined by the Department of Health, effective May 19, 2021, provided that applicable state-issued guidance is adhered to.
- The directive contained in Executive Order 202.102 as extended and modified, that required businesses licensed by the State Liquor Authority for on-premises service of alcoholic beverages, to cease all on premises service and consumption of food and beverages (including alcoholic beverages), inside or outside, at or before 12:00AM, provided all Department of Health guidance is adhered to, is further modified only insofar as to provide that food and beverage establishments shall, effective May 17, 2021, no longer be required to cease all on premises outdoor service and consumption of food and beverages (including alcoholic beverages) at or before 12:00AM. Effective May 31, 2021, food and beverage establishments shall no longer be required to cease all on premises indoor service and consumption of food and beverages (including alcoholic beverages) at or before 12:00AM.
- The directive contained in Executive Order 202.17, as extended and modified by Executive Order 202.105, that required any individual over the age of two to cover their nose or mouth with a mask or cloth face-covering when in a public place, is hereby extended and modified only insofar as to no longer require, effective May 19, 2021, individuals who are fully vaccinated to cover their noses or mouths with

a mask or cloth face-covering while indoors except in certain settings as prescribed in Department of Health guidance, which aligns with guidance published by the Centers for Disease Control and Prevention (CDC).

- The directive contained in Executive Order 202.8, as modified by Executive Order 202.43, that permitted in-person transactions at county-operated Department of Motor Vehicles offices only if such transactions are conducted by appointment only shall no longer be in effect.



GIVEN under my hand and the Privy Seal of the State in
the City of Albany this seventeenth day of
May the year two thousand twenty-one.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "Andrew Cuomo", written in a cursive style.

A handwritten signature in black ink, appearing to read "Mr. C.", written in a cursive style.

Secretary to the Governor