



# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH  
COMMISSIONER OF HEALTH

## **ORDER OF THE COMMISSIONER OF HEALTH**

**WHEREAS, the novel coronavirus which causes coronavirus disease 2019 (“COVID-19”) spreads readily from person-to-person; and**

**WHEREAS, the Delta variant causes more infections and spreads faster than earlier forms of the virus that causes COVID-19; and**

**WHEREAS, the Centers for Disease Control currently recommends wearing <sup>1</sup>masks or cloth face coverings for both non-vaccinated and fully vaccinated individuals based on evidence indicating that fully vaccinated individuals, infected with the Delta Variant of COVID-19 after vaccination, are contagious and able to spread the virus to others.**

**Whereas, COVID-19 is a disease which is detrimental to the public health and I find that it is necessary and proper to issue this Order for the preservation of the life and health of the residents of Erie County.**

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<sup>1</sup> Adequate face coverings include cloth masks, surgical masks, N-95s, and face shields.


**NOW THEREFORE, I, Gale R. Burstein, Commissioner of the Erie County Department of Health, by virtue of the authority vested in me by New York State Public Health Law (PHL) §308, and other applicable provisions of law do hereby:**

- **ORDER that, regardless of vaccination status, any person within Erie County who is over the age of two and able to medically tolerate a face-covering must wear a mask or cloth face-covering which covers the nose and mouth while indoors in a public place/setting. <sup>2</sup>Indoor public places/settings include, but are not limited to, grocery stores, places of worship, big box retail stores, bars, restaurants, live performance theaters/venues, movie theaters, barber shops, hair salons, nail salons, beauty parlors, gyms, hockey rinks, bowling alleys, pool halls, and other places of entertainment or amusement. Patrons of bars and any food service establishment may remove their masks while seated in the establishment.**
- **ORDER that, regardless of vaccination status, all employees, of any business operators or building owners of indoor public places/settings, who interact with the public/business patrons in the course of their employment, must wear a mask or cloth face-covering which covers the nose and mouth while they are working.**
- **ORDER that, business operators and building owners of indoor public places/settings must deny entry and require or compel removal of any person who fails to comply with the face-covering requirements described herein.**
- **ORDER that, regardless of vaccination status, any person within Erie County who is utilizing a public or private transportation carrier or other vehicle for-hire, who is over the age of two and able to medically tolerate a face covering, must wear a mask or cloth face-covering which covers the nose and mouth for the duration of any such trip. Any person who is operating such public or private transport, must likewise wear a mask of cloth face-covering which covers the nose and mouth.**

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<sup>2</sup> This is not an inclusive list of indoor public places/settings but is included for informational purposes only.

- **ORDER that, any business entity, business operator, or building owner, who voluntarily implements a 100% COVID-19 vaccination requirement for entry into their facility, business, or building, shall be exempt from the masking requirements contained herein. Such vaccination policy must be in writing and contain a plan for implementation which shall include notification to the public through adequate signage as well as the method by which proof of vaccination will be checked prior to entry.**

  
Gale R. Burstein, MD, MPH, FAAP,  
Commissioner, Erie County Department of Health

November 23, 2021  
Date

**WARNING**

**AN INDIVIDUAL WHO VIOLATES OR REFUSES TO COMPLY WITH A HEALTH ORDER OR REGULATION IS SUBJECT TO BOTH CRIMINAL AND CIVIL PENALTIES.**