



ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

UPDATED INTERIM GUIDANCE FOR RETAIL GROCERY STORES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

September 28, 2020

Purpose

This guidance was created to provide owners/operators of retail grocery stores and customers with additional precautions to help protect New York's vulnerable populations during this public health emergency in these settings. Owners/operators of retail grocery stores must also continue to adhere to Department of Health [Interim Guidance](#) for Essential Retail.

For the purpose of this guidance, retail grocery stores shall include but are not limited to supermarkets, bodegas, bakeries, specialty markets, superstores offering groceries, and warehouse clubs.

Background

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state disaster emergency in response to the COVID-19 virus. Additionally, on March 20, 2020, Governor Cuomo also announced "Matilda's Law," which is a series of recommendations to protect New York's most vulnerable populations, including individuals who are 70 years of age or older, those with compromised immune systems, and those with underlying illnesses, from contracting COVID-19. These New Yorkers should strive to stay home and limit visitation to immediate family members or close friends who are in need of assistance.

Community transmission of COVID-19 has occurred throughout New York. New Yorkers have taken responsibility and have abided by face covering requirements and social distancing mandates, allowing the state to reduce transmission to one of the lowest levels in the country. On April 26, 2020, Governor Cuomo announced a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis, which has allowed the State to successfully reopen nearly all businesses and industries in a manner that protects public health and safety.

Guidance Impacting the General Public

Retail grocery stores should allow only seniors and people with compromised immune systems to shop between the hours of 6:00 am and 8:00 am, during the first hour when the store opens, or prior to opening the store to the general public, if possible.

Additionally, retail grocery stores should follow and use the guidance set forth by Governor Andrew M. Cuomo, the Department of Agriculture and Markets, and the Department of Health (DOH), including "[Interim Guidance for Cleaning and Disinfection of Food Manufacturing Facilities or Food Retail Stores for COVID-19](#)", and the "[STOP THE SPREAD](#)" poster.

Retail grocery stores should post the following, or similar, at the entrances of each of their retail stores:

*** NOTICE TO ALL CUSTOMERS ***
IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY
SENIORS AND IMMUNOCOMPROMISED PEOPLE ARE ADVISED TO SHOP
BETWEEN THE HOURS OF 6:00AM AND 8:00AM,
DURING THE FIRST HOUR OF OPERATION, OR PRIOR
TO THE STORE OPENING TO THE GENERAL PUBLIC.

To help prevent spread of COVID-19, procedures and supplies should be in place and available to encourage proper hand and respiratory hygiene, as well as routine cleaning and disinfection of high-risk locations (e.g., restrooms, entrances, exits, point of sale terminals, etc.), at all retail grocery stores. Procedures should be in place to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers.

Signage promoting social distancing and good hygiene should be posted in a conspicuous place and all employees should be reminded of the protocols set forth in the State's [Retail Food Store Guidance](#).

Guidance Impacting the Owners/Operators of Retail Grocery Stores

Retail grocery stores should also implement the following in-store safety measures:

- Promote a 6-foot social distance for employees and customers, wherever possible. Retail grocery stores should consider using an indicator, such as a floor marker, in the check-out line or in any location where customers may congregate (e.g. the deli line, the meat or fish counter, etc.), to depict where customers should stand to maintain a 6 foot distance between one another.
- Retail grocery stores should strive to minimize the touch points on retail products and customers should be encouraged to bag their own purchases, if possible.
- Seek to limit the number of customers in the store, at any given time, to 50% of the store's capacity, inclusive of employees.
- Provide disinfecting wipes at points of entrance for customers to disinfect carts, at cash registers, and/or other appropriate locations, as practicable.
- Ensure hot or cold pre-prepared food is available for delivery or take-out only.
- Eliminate any free open samples or tasting, including deli slices or prepared food.
- Clearly post signs, example provided below, outside and inside the store to remind people of the following:
 - Face Coverings
 - Under current State law, face coverings must be worn in a retail store. Specifically, anyone who is over age two and able to medically tolerate a face covering must cover their nose and mouth with a mask or cloth face covering when in a public in accordance with Executive Orders 202.17 and 202.18, and any successor thereof and Department of Health regulation Subpart 66-3 ("Subpart 66-3"). See also [Interim Guidance on Executive Orders 202.17 and 202.18 Requiring Face Coverings in Public During the COVID-19 Outbreak, April 17, 2020](#).
 - Food retailers and those authorized on their behalf shall deny admittance to any person who fails to comply and must comply with all requirements of Subpart 66-3 and any applicable guidance. See: https://regs.health.ny.gov/sites/default/files/pdf/emergency_regulations/Enforcement%20of%20Social%20Distancing%20Measures.pdf
 - These requirements must be implemented in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.
 - Employers must also provide essential workers with masks free of charge to wear when interacting with the public per [Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak, April 14, 2020](#).
 - Have one family member shop at a time, if possible.
 - Properly discard personal protective equipment. Do not leave it in the stores or shopping carts.
 - Adhere to limitations placed on the number of people allowed in the store.

- Adhere to special shopping times for seniors and immunocompromised people.
- Do not discriminate against individuals wearing a face covering.
- Provide access to handwashing facilities, including public restrooms, as well as alcohol-based hand sanitizer, as practicable.

Retail grocery stores should also implement the following safety measures for their employees:

- Allow workers to wear personal protective equipment, including facemasks and gloves. These must be provided to employees. Employees are also permitted to wear their own facemasks and gloves.
- As possible, allow workers considered vulnerable to COVID-19 (e.g. the people considered under Matilda's Law) to alternate assignments with less exposure to customers, or, as able, allow them to stay home.
- Provide accommodations to those who cannot wear a mask.
- Close the store for a period of time each day to allow for proper cleaning and/or disinfecting, as practicable.
- Allow employees sufficient break time to wash their hands, when necessary.
- Adhere to the requirements outlined in guidance:
- DOH - https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_eo20216_employeefacecovering_041420.pdf
- Adhere to the cleaning guidance set forth by DOH and the CDC:
 - DOH – https://coronavirus.health.ny.gov/system/files/documents/2020/06/agm-doh_covid19_cleaningfoodstores_rev_041820.pdf
 - CDC – <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/essential-goods-services.html>

For additional information on New York State's response to COVID-19, please visit:

New York State Department of Health's COVID-19 Webpage
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

United States Centers for Disease Control and Prevention COVID-19 Webpage
<https://www.cdc.gov/coronavirus/2019-ncov/>

Example of store entrance signage:

***** NOTICE TO ALL RETAIL CUSTOMERS *****

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY & NEW YORK
STATE PUBLIC HEALTH REGULATION 10 NYCRR SUBPART 66-3

**STORE OWNERS SHALL DENY ADMITTANCE TO CUSTOMERS WHO ARE NOT
WEARING A FACE-COVERING**

ALL CUSTOMERS **MUST** WEAR A FACE-COVERING AT ALL TIMES WHILE
SHOPPING ⁽¹⁾

ONE FAMILY MEMBER SHOULD SHOP AT A TIME

PERSONAL PROTECTIVE EQUIPMENT SHOULD BE DISCARDED AT HOME

ADHERE TO STORE LIMITATIONS

CUSTOMERS SHOULD ADHERE TO SPECIAL SHOPPING TIME FOR SENIORS AND
IMMUNOCOMPROMISED INDIVIDUALS

(1) Specifically, anyone who is over age two and able to medically tolerate a face covering must cover their nose and mouth with a mask or cloth face covering when in a public

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY SENIORS AND
IMMUNOCOMPROMISED PEOPLE ARE ADVISED TO SHOP BETWEEN THE HOURS
OF 6:00AM AND 8:00AM, DURING THE FIRST HOUR OF OPERATION, OR PRIOR TO
THE STORE OPENING TO THE GENERAL PUBLIC.