State of New York

Executive Chamber

No. 202.74

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, or to provide any directive necessary to respond to the disaster, do hereby suspend or modify, and direct, the following from the date of this Executive Order through December 12, 2020:

- Executive Order 202.3, as extended, and Sections 105 and 106 of the Alcoholic Beverage Control Law, to the extent necessary to require that:
  - All businesses that are licensed by the State Liquor Authority under sections 63 and 79 of the Alcoholic Beverage Control Law ("liquor stores" and "wine stores") shall cease all off premises sales and close at or before 10:00PM, and shall not reopen before existing county opening hours permit.
  - All businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, shall cease all on premises service and consumption of food and beverages (including alcoholic beverages), inside or outside, at or before 10:00PM and shall not reopen before the later of any stipulated opening hours or existing county opening hours permit; further, to-go and delivery service of food, and non-alcoholic beverages only, may continue at such business licensed for on premises service until the earlier of any stipulated closing hours or existing county closing hours permit.
  - This provision shall be subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and/or any relevant Department of Health guidance.

- All restaurants, irrespective of whether such restaurant is licensed by the State Liquor Authority, shall cease in-person dining at 10:00PM, but may continue curbside takeout and delivery service after 10:00PM so long as otherwise permitted, and may reopen no earlier than 5:00AM.

- Any gym or fitness center shall cease operation and close to the public at 10:00PM, and cannot reopen until 5:00AM.

- The directive contained in Executive Order 202.45, as extended, which amended the directives in Executive Order 202.42, 202.38, and 202.10, that limited all non-essential gatherings to allow gatherings of 50 of fewer individuals for any lawful purpose or reason, is hereby modified only insofar as to further limit non-essential private residential gatherings to 10 or fewer individuals for any lawful purpose or reason, provided that social distancing, face covering, and cleaning and disinfection protocols required by the Department of Health are adhered to.

- All suspensions, modifications, and directives issues pursuant to this Executive Order are effective at 10:00PM on Friday, November 13, 2020.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twelfth day of November in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor