State of New York

Executive Chamber

No. 202.92

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 the Constitution and the Laws of the State of New York, do hereby find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue for thirty days the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect through February 26, 2021.

IN ADDITION, 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in coping with such disaster, do hereby continue the suspensions and modifications of law and any directives, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days until February 26, 2021, and do hereby temporarily suspend or modify the following from the date of this Executive Order through February 26, 2021:

- Nassau County Administrative Code § 5-17.0(1) to the extent necessary to extend the deadline to pay 2021 first half general taxes appearing on the Nassau County tax roll without interest or penalties from February 10, 2021 to March 12, 2021;

- The suspensions and modifications in Executive Order 202.24 and any extensions thereof, permitting licensed pharmacists to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory, pursuant to subdivision (3) of section 579 of the Public Health, are hereby modified only to the extent necessary to permit such pharmacist-directed limited service laboratories to also test for COVID-19 infection using a rapid test as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and waived for use in a limited service laboratory;

- Executive Order 202.24, to the extent it modified section 6801 of the Education Law, to authorize licensed pharmacists to order COVID-19 tests that are approved by the Food and Drug Administration (FDA) to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests, is hereby modified only insofar as to authorize licensed pharmacists to order tests for the detection of COVID-19, including by standing order, as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, and

provided that such testing is performed by a limited service laboratory as part of such enhanced economic activity plan;

- The suspensions and modifications in Executive Order 202.32 and any extensions thereof, allowing clinical laboratories to accept and examine specimens for COVID-19 testing without a prescription or order from an authorized ordering source under certain circumstances, are hereby modified only to the extent necessary to permit a limited service laboratory, authorized to test for COVID-19 infection as part of the enhanced economic activity plan authorized by the Department of Health and pursuant to this executive order, to accept and examine specimens for COVID-19 rapid testing without a patient specific order or a prescription or order from an authorized ordering source; provided that, limited service laboratories shall make available to patients (including via an online registration) the guidance to be issued by the Department of Health related to rapid testing under this Executive Order. A limited service lab may utilize this Executive Order as the authorized ordering source in any laboratory reports and documentation associated with testing pursuant to the enhanced economic activity plan authorized by Department of Health guidance. Further, to ensure appropriate follow-up with patients who test positive for COVID-19 and to ensure appropriate isolation orders are issued if necessary, the limited service laboratory shall report any positive results within 24 hours to the Department of Health through the Electronic Clinical Laboratory Reporting System (ECLRS), and the local department of health;

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: County of Saratoga;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through February 26, 2021:

- The Commissioner of Health is authorized to direct COVID-19 testing for all staff or to modify or eliminate visitation or leave for residents at any state, local, or voluntary not-for-profit congregate facility supervised or licensed by the Office of Mental Health, the Office of Addiction Services and Supports, the Department of Corrections and Community Supervision, the Office for People with Developmental Disabilities, or the Department of Health on a regular schedule or in order to control an outbreak as necessary;

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

BY THE GOVERNOR

Secretary to the Governor