

DC to Mandate Proof of Vaccination Status at Indoor Establishments- UPDATE

29 Dec 2021

[Erica L. Litovitz](#),

UPDATE:

On Monday February 14, 2022, Mayor Bowser announced that, effective Tuesday February 15, 2022, DC [will drop the requirement](#) that patrons show proof of vaccination status before entering most businesses.

On December 22, 2021, Mayor Muriel Bowser announced, via [executive order](#), that the District of Columbia would join other major cities including Los Angeles, New York, Philadelphia, and Chicago in requiring proof of partial vaccination for entry into certain indoor establishments. The partial vaccination requirement, set to take effect on January 15, 2022 (with patrons being required to provide proof of full vaccination by February 15, 2022), is being hailed as direct response to the recent surge in reported COVID-19 cases caused by the highly contagious omicron variant.

Section II (1) of the order states that specified establishments “shall not permit a guest, visitor, or customer over twelve (12) years old to enter their indoor premises without displaying proof of vaccination against COVID-19.” Specified establishments include “restaurants, bars and nightclub establishments; indoor entertainment establishments; indoor exercise and recreational establishments; indoor event and meeting establishments; and any other indoor establishment designated by the Director of the Department of Health.” Notably, the order carves out certain exemptions from the vaccine entry requirement for establishments and individuals. The exempted establishments include “houses of worship; grocery stores, farmer’s markets, and food service establishments providing charitable food services; pharmacies, medical offices, urgent care centers, or hospitals; Big box stores and retail establishments...; private meeting spaces in residences or office buildings; facilities relating to governmental regulation, licensing, administrative hearings, judicial proceedings, law enforcement, the provision of legal services, and the Department of Motor Vehicles; facilities relating to essential human services such as warming and cooling centers, day service facilities for homeless persons, shelters serving homeless persons or victims of domestic violence; polling places during elections; and such other facilities as exempted by the Department of Health.” Exempted individuals include those “individuals entering a covered establishment for a quick and limited purpose; or a person entitled by law to a reasonable accommodation due to a medical condition or a sincerely held religious belief.”

While the order is silent on mechanisms for enforcement and whether there will be a negative covid test-out option, it does state that the D.C. Department of Health “shall further specify the applicability of this Order and any reasonable accommodations that may be necessary including when a recent negative test may substitute for vaccination...” Furthermore, Deputy Mayor John Falcicchio has indicated that additional guidance will be issued by the end of this week. Jackson & Campbell continues to monitor any developments in that regard and is prepared to advise on this important policy and related legal issues.

UPDATE:

On January 6, 2022, the Mayor’s office issued a [health guidance](#) that aims to clarify the specific establishments covered by the mandate and sets forth the requirements for obtaining a medical and/or religious exemption. In addition to providing a negative PCR or antigen test within 24 hours, those seeking a medical exemption must show “[d]ocumentation of a medical exemption, such as a note from a medical provider; and those seeking a religious exemption must show “[d]ocumentation of a religious exemption, such as an attestation from the patron that they have

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a sincerely held religious belief.” While it is unclear at this time whether additional guidance will be forthcoming from the Mayor’s office, Jackson & Campbell continues to monitor any developments in that regard and is prepared to advise on this important policy and related legal issues.

This summary is not intended to contain legal advice or to be an exhaustive review. Individuals and businesses navigating the pitfalls of this vaccine mandate should contact [Kamilah Mitchell, Esq.](#), [Erica L. Litovitz, Esq.](#), or another member of Jackson & Campbell’s Employment Law Practice Group for more information.

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TAGGED: COVID-19, vaccines, executive order, vaccine mandate, employment, indoor dining, indoor establishments