

DC Enacts Vaccine Mandate For Certain Indoor Establishments

Law and the Workplace Blog on **January 11, 2022**

Starting January 15, 2022, DC will [require](#) the following establishments to verify that their guests, visitors and consumers ages 12 and older have received at least one dose of the COVID-19 vaccine:

- Restaurants, bars and nightclub establishments (including restaurants and taverns, coffee shops and fast-food establishments that have seating if guests choose to sit down; breweries, wineries and distillery tasting rooms; mixed-use facilities; food courts);
- Indoor entertainment facilities (including nightclubs, hookah bars, pool and billiard halls, and cigar bars; concert, live entertainment and sporting venues; movie theatres; adult entertainment venues; bowling alleys);
- Indoor exercise and recreational establishments (including exercise facilities, dance, yoga and Pilates studios; any facilities used for group fitness classes);
- Indoor event and meeting establishments (including hotel common rooms, banquet halls, conference centers meeting facilities, convention centers, auditoriums; shared work facilities); and
- Any other indoor establishment designated by the Director of the DC Department of Health.

Beginning on January 15, 2022, covered establishments are also required to “display prominently, visible to patrons prior to entry, a notice informing patrons that proof of vaccination is required to enter any indoor portion of a covered location.” Covered establishments will have to start verifying entrants’ proof of full vaccination starting February 15, 2022. Acceptable forms of proof include: (i) a CDC vaccination card (original, photocopy or digital copy/photo); (ii) record of immunization from a healthcare provider or public health authority; (iii) a COVID-19 verification app (e.g., VaxYes, Clear, Excelsior, MyIR); or (iv) a World Health Organization Vaccination Record. According to DC Health’s [Guidance and FAQ](#), businesses will also need to verify vaccination with photo identification for patrons ages 18 years and older, such as: (i) state issued driver’s license or limited purpose driver’s license; (ii) any other state-issued identification card; (iii) passport; (iv) DC One Card; (v) Student ID; or (vi) permanent resident card.

The proof of vaccination requirement does not apply to individuals entering a covered establishment “for a quick and limited purpose” (e.g., placing an order for takeout, picking up an order or making a delivery), or any individual entitled by law to a reasonable accommodation due to a medical condition or sincerely held religious belief. According to DC Health’s [Guidance and FAQ](#), patrons who have and show documentation of medical or religious exemptions (*i.e.*, a note from a medical provider or an attestation from the patron that they have a sincerely held religious belief) from the COVID-19 vaccine must provide proof of a negative PCR test or antigen test within the last 24 hours to gain entry.

Notably, the order also exempts the following establishments from the vaccine entry requirement:

- 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 “where people tend to be in motion and not standing or seated in close proximity to others for long periods of time;”
- Private meeting spaces in residences or office buildings;
- Certain government and human services facilities (including polling places during elections); and

- Such other facilities as exempted by the Department of Health.

However, if an exempt facility conducts a non-exempt activity (e.g., if a house of worship is rented for a non-religious purpose or a retail bookstore hosts a seated event where people will be closely congregated for a prolonged time), the vaccine requirement will apply.

According to DC Health, relevant District agencies, such as DC Health, the DC Alcoholic Beverage Regulation Administration, and the DC Department of Consumer and Regulatory Affairs “will deploy staff for spot checks to ensure that businesses and organizations have appropriate processes in place to comply with” these requirements. “Absent good faith efforts to comply, businesses and organizations may be subject to appropriate enforcement actions, including civil fines of not more than \$1,000 and/or summary suspension or revocation of business license(s).”

Additional information regarding the mandate, including sample notices, is available [here](#). We will continue to monitor and report on further developments from DC.

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