

## Regulatory Impact Statement

### 1. Statutory authority:

Subdivision 8 of § 3.09 of the Parks, Recreation and Historic Preservation Law (PRHPL) authorizes OPRHP to amend regulations as necessary or convenient for the performance or exercise of the functions, powers and duties of the office.

### 2. Legislative objectives:

OPRHP is required by law to provide for the health, safety and welfare of the public using facilities under its jurisdiction. (*PRHPL § 3.09(5)*). The Governor's Executive Order 202 declared a public health emergency due to the COVID-19 pandemic. Executive Orders 202.7, 202.10, 202.16, 202.17 and 202.31 establish the NY Pause requirements on social distancing or wearing of face coverings, and the prohibition on non-essential gatherings of people not from the same household or family unit.

A police officer is authorized to issue a ticket to a patron for violating this regulation. This violation of OPRHP regulation would constitute a "Violation" under the Penal Law and could result in a fine of \$250 or imprisonment up to 15 days, and a mandatory surcharge. (*PRHPL § 27.11(1)(b)*).

### 3. Needs and benefits:

This rule making must be adopted on an emergency basis for the preservation of the health, safety and general welfare of the public by ensuring that all patrons who visit New York State parks are protected.

### 4. Costs:

OPRHP intends to assume all costs associated with the implementing and enforcing this program.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

There are no new paperwork or reporting requirements as a result of this proposal.

7. Duplication:

The amendment does not duplicate any State or federal requirement.

8. Alternatives:

“No action” alternative – This option would leave in place current regulations that do not explicitly require patrons to wear face coverings and do not explicitly require patrons to engage in social distancing at OPRHP facilities. This no action option was rejected because staff and police require explicit authority to enforce the face mask and social distancing requirements during the COVID-19 pandemic to protect all patrons at park facilities.

9. Federal standards:

The amendment comports with the federal Centers for Disease Control (CDC) guidelines on COVID-19.

10. Compliance schedule:

These regulations are being adopted by emergency rule making and therefore will take effect immediately upon filing with Department of State. Regulated parties will be notified of the changes to the regulations through publication in the State Register, appropriate news releases, and through OPRHP’s website.