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Concerts, Sport Events: World's Largest Ticket Agency Plans to Require COVID-19 Testing or Vaccination

the world's largest ticket agency, revealed it wants To require proof that ticket purchasers have tested negative for SARS-CoV-2 virus, before attending an event or have received COVID-19

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On Nov. 11, 2020, Billboard magazine reported that Ticketmaster, the world's largest ticket agency, revealed it wants to require proof that ticket purchasers have tested negative for the SARS-CoV-2 virus within 24-72 hours before attending an event or have received a COVID-19 vaccine with a year of the event.[1] This would mean that gone are the days when the biggest concern for teens attending concerts was scraping together the money for overpriced tickets and pleading with their parents for permission to stay out late. Adults planning to attend a play in a theater or families going to football games together would have a lot more to worry about than what to wear or where to park.

However, the swift reaction from outraged consumers put pressure on Ticketmaster to walk back the earlier comments made by president Mark Yonich to *Billboard* that ticket purchasers to events would have their medical history accessed and screened by the U.S.-based ticket agency.

Yonich had told *Billboard*,

> "We're already seeing many third-party health care providers prepare to handle the vetting—whether that is getting a vaccine, taking a test, or other methods of review and approval—which could then be linked via a digital ticket so everyone entering the event is verified." He added, "Ticketmaster's goal is to provide enough flexibility and options that venues and fans have multiple paths to return to events, and is working to create integrations to our API and leading digital ticketing technology as we will look to tap into the top solutions based on what's green-lit by officials and desired by clients."

By Nov. 16, *TicketNews* reported that a statement was issued by Ticketmaster clarifying that the company was "just exploring the ability to enhance our existing digital ticket capabilities" and that event organizers, not Ticketmaster, would have the power to require testing or vaccination as a condition of attending an event:[2]

> We are not forcing anyone to do anything. Just exploring the ability to enhance our existing digital ticket capabilities to offer solutions for event organizers that

> could include testing and vaccine information with 3rd party health providers. Just a tool in the box for those that may want to use. There is absolutely no requirement from Ticketmaster mandating vaccines/testing for future events… Ticketmaster does not have the power to set policies around safety/entry requirements, which would include vaccines and/or testing protocols. That would always be up to the discretion of the event organizer, based on their preferences and local health guidelines.

Ticketmaster Evaluating Partnerships with Health Companies

Regardless of the weak non-denial denial, it is a fact that Ticketmaster is evaluating options for partnering with health companies to offer concert halls, theaters, stadiums and other large public event organizers the option of requiring people purchasing tickets to show proof of a negative COVID-19 test or proof of vaccination. Ticket purchasers using Ticketmaster could be required to submit personal medical information and have a lab provide the COVID-19 test results or vaccination history to a third-party health company via a digital app.

The third-party health company would then relay the health information to Ticketmaster, which would issue digital tickets to purchasers who were vaccinated or tested negative for COVID-19. Tickets and entry to an event would be denied for those who tested positive or did not submit to testing or vaccination.[3]

The U.S. Food and Drug Administration (FDA) has not yet approved the third-party health care companies that Ticketmaster would employ to collect data about ticket purchaser's vaccine status or test results. The specific regulations, such as how far in advance testing must be done, would vary according to state laws. State health officials and event organizers would determine the new rules that would be in place at events, such as regulations regarding social distancing, staggered entrance times, contact tracing, mask requirements and sanitization.[4]

Event tickets would need to be purchased prior to submitting vaccination status or testing results to the third-party health care provider. Ticketmaster has not indicated how they would process payments or if they would refund ticket purchasers who tested positive or were unable to get tested or vaccinated prior to the event.[5]

Ticketmaster Denies Requiring COVID-19 Testing or Vaccination

After media outlets broke the story about Ticketmaster's COVID-19 testing and vaccination plan, the news quickly generated pushback from consumers that it was an assault on medical privacy with substantial potential for abuse. The company then took steps to publicly deny it will require mandatory testing or vaccination of those purchasing tickets to attend events, claiming that providing health information to establish COVID-19 test results or vaccination status will be left up to the event organizer.

> "Ticketmaster does not have the power to set policies around safety/entry requirements, which would include vaccines and/or testing protocols," it said. "That is up to the discretion of the event organizer. Ticketmaster continues to work with event organizers on all COVID safety measures and it will be up to each event organizer to set future requirements, based on their preferences

> and local health guidelines."[6]

Ticketmaster management further explained that they are looking into a digital medical status entrance requirement as one of several, "potential ideas" that would allow resumption of public events.[7]

Ticketmaster's Use of SmartEvent Indicates Desire to Monitor Health Status of Ticket Holders

Despite denying that it plans to implement a digital health tracking system, it seems inevitable that Ticketmaster will use advanced digital technology to run events and monitor attendees. According to a recent press release by Ticketmaster:

> Ticketmaster's robust API capabilities combined with its foundation of digital ticketing allow for the roll out of new features at record speed. Operating in over 30 countries, Ticketmaster has a front-row seat to new tech, health and logistical developments around the world that may be ripe to integrate into its platform.[8]

In fact, Ticketmaster has already implemented SmartEvent, a digital platform that monitors events by determining seating capacity limits, staggering entry times and conducting contact tracing.[9] Smart Event is essentially a remote box office that has a number of tools that can be used to optimize safety at events. Utilizing algorithms to determine the distance between seats, the Social Distance Seating Tool will set out safe seating arrangements at events.

The Timed Entry Tool will stagger attendees arrival times; the Entry Rate Monitoring Tools will prevent lines from being too crowded; and the Contactless Scanners will check guests in via their cell phone. SafeTix's Secure Ticket Transfer, "gives organizers the capability to know every fan in the building" and easily conduct contact tracing.[10] As many as 250 organizations including the NFL, MLS and universities have already started using SmartEvent.[11]

As the world's largest ticketing agency implements digital technology to monitor the health status of event attendees, NVIC co-founder and president Barbara Loe Fisher's prophetic warning comes to mind…

> Tomorrow, the "new normal" in America may well include the order to "Show me your vaccine papers before you can enter a store or restaurant, go to school, attend a football game, get on a plane, train or subway, obtain a driver's license, be admitted to a hospital or nursing home, get a room at a hotel or walk on a public beach, if health policy and lawmakers do not use common sense to adopt a more balanced approach to dealing with a virus that, so far, has changed everything.[12]

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Notes

[1] Brooks D. How Ticketmaster Plans to Check Your Vaccine Status for Concerts: Exclusive. *Billboard* Nov. 11, 2020.

[2] Clark D. Ticketmaster Walks Back COVID Requirements After Fierce Backlash. *TicketNews*Nov. 15, 2020.

[3] See Footnote 1.

[4] Ibid.

[5] Lam S. Live show behemoth Ticketmaster will require PROOF of vaccine or negative Covid-19 test to attend events – report. *Reuters* Nov. 12, 2020.

[6] Neale M. Ticketmaster clarifies future safety policy for concert-goers. *NME* Nov. 12, 2020.

[7] Ibid.

[8] Ticketmaster. Ticketmaster Introduces 'SmartEvent' Solutions to Help Live Events Welcome Back Fans. Press Release Oct. 29, 2020.

[9] Savage M. No, Ticketmaster won't force you to have a Covid vaccine. *BBC* Nov. 12, 2020.

[10] See Footnote 8.

[11] Iahn B. Ticketmaster Creates 'Smartevent' Solutions To Welcome Back Fans. *The Music Universe* Oct. 29, 20230.

[12] Fisher BL. How Fear of a Virus Changed Our World. *NVIC Newsletter* June 1, 2020.

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