

APPENDIX

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APPENDIX A

**SUPREME JUDICIAL COURT OF
MASSACHUSETTS, WORCESTER**

DAWN DESROSIERS¹ & OTHERS²

v.

THE GOVERNOR

SJC-12983

Argued September 11, 2020

Decided December 10, 2020

Present: Lenk, Gaziano, Lowy, Budd,
Cypher & Kafker, JJ. ³

Civil action commenced in
the Superior Court Department on June 1, 2020.

¹ Individually and doing business as Hair 4 You.

² Susan Kupelian; Nazareth Kupelian; Naz Kupelian Salon; Carla Agrippino-Gomes; Terramia, Inc.; Antico Forno, Inc.; James P. Montoro; Pioneer Valley Baptist Church Incorporated; Kellie Fallon; Bare Bottom Tanning Salon; Thomas E. Fallon, individually and doing business as Union Street Boxing; Robert Walker; Apex Entertainment LLC; Devens Common Conference Center LLC; Luis Morales; Vida Real Evangelical Center; Ben Haskell; and Trinity Christian Academy of Cape Cod.

³ Justice Lenk participated in the deliberation on this case prior to her retirement.

Following transfer to the Supreme Judicial Court for the county of Suffolk, pursuant to G. L. c. 211, § 4A, the case was reported by Lenk, J.

Michael P. DeGrandis, of the District of Columbia, for the plaintiffs.

Douglas S. Martland, Assistant Attorney General, for the Governor.

John A. Sten, Boston, for Representative Shawn C. Dooley, amicus curiae, submitted a brief.

Elissa Flynn-Poppey, Emily Kanstroom Musgrave, & Andrew Nathanson, Boston, for Massachusetts Health & Hospital Association & others, amici curiae, submitted a brief.

CYPHER, J. On March 10, 2020, Governor Charles D. Baker, Jr., declared a state of emergency in the Commonwealth of Massachusetts in response to the pandemic arising from COVID-19, a respiratory illness caused by a novel coronavirus. See Governor's Declaration of Emergency, Executive Order No. 591. He did so under the Civil Defense Act (CDA), St. 1950, c. 639, and G. L. c. 17, § 2A. At the time of the emergency declaration, Massachusetts had about one hundred COVID-19 cases and was facing its first outbreak. Since the Governor declared the state of emergency, he has issued numerous COVID-19 emergency orders (emergency orders). The emergency orders placed restrictions on daily activities, which, among other things, prohibited gatherings of more than ten people; suspended in-person instruction at schools; ordered restaurants and bars to suspend on-premises service; and required all businesses and other organizations not providing designated

COVID-19 “essential services”⁴ to close premises to workers, customers, and the public. As the public health data improved, the Governor announced a phased reopening plan, in which he classified business and organization types in different reopening phases. See Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19, COVID-19 Order No. 33 (May 18, 2020).

COVID-19 has taken a devastating toll on the Commonwealth, the United States, and the world. As of this writing, in Massachusetts alone, over 250,000 people have been infected and over 10,000 people have died. During the April 2020 surge in Massachusetts, the number of infections often exceeded 1,500 per day and there were more than one hundred deaths per day from COVID-19 for the majority of the month. In addition to the medical toll COVID-19 has inflicted, the personal toll resulting from the virus and containment measures has been immeasurable. Behind every infection and every death are those who could not visit loved ones in the hospital due to visitation restrictions, or who could not grieve the loss of loved ones with family and friends in the traditional manner. Family and friends had to isolate from one another, and visiting a loved one in another country became impossible, or nearly so. COVID-19 and the attendant containment measures have also resulted in high

⁴ “Essential services” are those identified by the government as “essential to promote the public health and welfare.” See Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People, COVID-19 Order No. 13 (Mar. 23, 2020) (Order No. 13).

unemployment, economic hardship, and shuttered businesses.

In June 2020, the plaintiffs⁵ filed a complaint in the Superior Court, seeking declaratory judgment and injunctive relief and challenging the Governor's declaration of a state of emergency and the emergency orders as unauthorized and unconstitutional.⁶ The parties agreed to defer seeking preliminary injunctive relief from the Superior Court and jointly petitioned for transfer of the case from the Superior Court to a single justice of this court for reservation and report. The single justice granted the petition, and the case is now before us.

We conclude that the CDA provides authority for the Governor's March 10, 2020, declaration of a state of emergency in response to the COVID-19 pandemic and for the issuance of the subsequent emergency orders; the emergency orders do not violate art. 30 of the Massachusetts Declaration of Rights; and the *372 emergency orders do not violate the plaintiffs' Federal or State constitutional rights to procedural and substantive due process or free assembly.⁷

⁵ The plaintiffs are two hair salons, a tanning salon, a boxing gym, and two restaurants, as well as the respective owners of those businesses; two houses of worship and their pastors; the head of a religious academy; a family entertainment center that offers various indoor attractions; and a conference center.

⁶ On June 1, 2020, the plaintiffs commenced their action, and on June 19, they filed an amended complaint.

⁷ We acknowledge the amicus briefs submitted by the Massachusetts Health & Hospital Association, Massachusetts Medical Society, and Organization of Nurse Leaders; and by Representative Shawn C. Dooley.

Background. 1. COVID-19. Patients with COVID-19 may be asymptomatic, may have a mild respiratory illness, or may develop severe complications leading to the need for hospitalization, and even death. The virus spreads primarily from person to person but can also spread through a person contacting a surface that has the virus on it and then touching his or her mouth, nose, or eyes. A person can be asymptomatic or presymptomatic and still spread the virus. Medical experts have identified ways in which the spread of the virus can be curtailed, which include wearing a cloth face mask, social distancing,⁸ quarantining when infected or exposed to the virus, hand washing, and cleaning frequently touched surfaces. People with certain underlying medical conditions and older adults are at a higher risk of developing severe illness from COVID-19. At this time, there is no cure and effective vaccines have not yet been distributed.

COVID-19 emerged at around the start of 2020 in China, and within months it spread around the world. On January 11, 2020, the first known death caused by COVID-19 was reported in China. Later in January, a man in the State of Washington became the first confirmed case in the United States. On January 30, the World Health Organization (WHO) declared “a public health emergency of international concern,” and in response to the growing outbreak, the President’s administration implemented restrictions on travel

⁸ “Social distancing” refers to keeping at least six feet apart from people who are not from one's household, in both indoor and outdoor spaces.

from China.⁹

On February 29, 2020, the United States reported that an individual in Washington became the country's first death from COVID-19.¹⁰ On March 11, WHO declared the coronavirus outbreak a pandemic, and on March 13, the President declared a national emergency.

2. The Governor's declaration of a state of emergency. On March 10, 2020, the Governor declared a state of emergency, "to protect the health and welfare of the people of the Commonwealth" and to "facilitate and expedite the use of Commonwealth resources and deployment of federal and interstate resources to protect persons from the impacts of the spread of COVID-19." See Executive Order No. 591. He declared the state of emergency pursuant to the powers

⁹ Throughout the course of the COVID-19 pandemic, the United States and other countries implemented various travel restrictions. See Coronavirus Travel Restrictions, Across the Globe, N.Y. Times, July 16, 2020 (listing travel restrictions by country).

¹⁰ It later was discovered that other people in the United States had died earlier from COVID-19.

provided in the CDA¹¹ and in G. L. c. 17, § 2A.¹² *Id.* The state of emergency was effective immediately and remained in effect “until notice is given, pursuant to [the Governor's] judgment, that the state of emergency no longer exists.” *Id.*

3. The emergency orders. From early March to May 2020, the number of COVID-19 infections and deaths from COVID-19 in the Commonwealth increased at a grim rate. The Commonwealth faced outbreaks at long-term care facilities, fear that a surge would overwhelm hospitals, and uncertainty about the future.¹³ Against that backdrop, the Governor issued

¹¹ The Civil Defense Act (CDA), St. 1950, c. 639, provides that the Governor can declare a state of emergency in specified circumstances, St. 1950, c. 639, § 5, and provides the Governor with “all authority over persons and property, necessary or expedient for meeting said state of emergency, which the general court in the exercise of its constitutional authority may confer upon him as supreme executive magistrate of the commonwealth and commander-in-chief of the military forces thereof,” St. 1950, c. 639, § 7.

¹² General Laws c. 17, § 2A, provides that upon the Governor’s declaring “that an emergency exists which is detrimental to the public health,” the Commissioner of Public Health may “take such action and incur such liabilities as he [or she] may deem necessary to assure the maintenance of public health and prevention of disease” and “may establish procedures to be followed ... to insure the continuation of essential public health services and the enforcement of the same.”

¹³ The COVID-19 pandemic is far from the first public health crisis the Commonwealth has faced. In 1701, quarantine legislation aimed at preventing epidemics empowered the Governor or commander-in-chief, once he was made aware of the presence of the plague, smallpox, pestilential or malignant fever,

numerous emergency orders, aimed first at efforts to “flatten the curve,” i.e., to reduce the number of cases at a given time. Through the emergency orders, the Governor, among other things, banned large gatherings;¹⁴ suspended all in-person instruction at public and private elementary and secondary schools in the Commonwealth;¹⁵ banned on-premises consumption of food or drink at restaurants and bars; suspended all child care operations but established emergency child care for certain children; designated specified service and production sectors as “COVID-19 Essential Services,” which were “urged to continue operations during the state of emergency,” and ordered businesses that did not provide essential services to close their physical workspaces and facilities;¹⁶ mandated wearing a face covering when social distancing was not possible; and mandated a fourteen-day quarantine for travelers arriving in Massachusetts, unless traveling from a specified State, providing a negative COVID-19 test, or otherwise falling within one of the exceptions. Certain orders

or other contagious sickness, “with the advice and consent of the council, to take such further order therein as they shall think fit for preventing the spreading of the infection.” St. 1701-1702, c. 9.

¹⁴ He first banned gatherings of more than 250 people, then reduced that to no more than twenty-five people, and finally to no more than ten people.

¹⁵ Residential and day schools for special needs students were excluded from this order.

¹⁶ The order contained an exception that places of worship could remain open subject to the emergency order’s general limitation on the number of people who could gather.

contained language about the penalties for violations. For example, violation of Order No. 13, which limited gatherings to no more than ten people and established COVID-19 essential services, would result in criminal penalty under § 8 of the CDA or a civil fine of up to \$300 per violation. Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People, COVID-19 Order No. 13 (Mar. 23, 2020) (Order No. 13).

As the public health data improved, the Governor began transitioning the emergency orders to “reopening” the Commonwealth. On May 18, 2020, the Governor implemented a phased reopening plan. Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19, COVID-19 Order No. 33. The plan established phases in which categorized businesses and organizations could reopen, subject to workplace safety rules set forth in the plan. *Id.* Phase one included businesses that could open first, including construction, places of worship,¹⁷ and firearms retailers and shooting ranges; and businesses that could open second, including hair salons and barber shops, general use offices, and pet groomers. On June 1, the Governor announced the businesses in phases two, three, and four, which could reopen when the Governor authorized it in subsequent orders. Order Clarifying the Progression of the Commonwealth's Phased Workplace Reopening Plan and Authorizing Certain

¹⁷ Although places of worship were not subject to a complete closure in the initial shutdown order, see note 16, *supra*, “reopening” in phase one allowed them to operate at higher capacity.

Re-opening Preparations at Phase II Workplaces, COVID-19 Order. No. 35. Phase two included retail stores, restaurants, golf facilities, and day camps. Phase three businesses included casino gaming floors, fitness centers and health clubs, museums, and aquariums. Phase four included amusement parks, street festivals and parades, and large capacity venues used for entertainment, group or spectator sports, business, and cultural events.¹⁸ On June 6, the Governor issued an order that phase two businesses could reopen in two steps, the first taking place immediately and including services such as outdoor table service at restaurants, and the second taking place subject to a subsequent order and including services such as indoor dining. See Order Authorizing the Reopening of Phase II Enterprises, COVID-19 Order No. 37. On July 2, the Governor issued an order that phase three businesses and organizations could reopen, again in a two-step process. See Order Authorizing the Re-opening of Phase III Enterprises, COVID-19 Order No. 43. Phase four businesses will not be allowed to open until a COVID-19 vaccine or treatments are developed.

4. Reservation and report. After the plaintiffs filed their amended complaint in the Superior Court, the parties jointly petitioned for transfer to a single justice of this court for reservation and report. The single justice ordered the case transferred and reserved and reported the matter to the full court. The reported

¹⁸ The lists for phases three and four noted that they were subject to amendment, and one such amendment was that arcades were moved from phase three to phase four, but the Governor subsequently allowed arcades to open in September 2020.

questions are as follows:

“(1) Whether the [CDA], St. 1950, c. 639, provides authority for Governor Baker's declaration of a state of emergency on March 10, 2020, and issuance of the emergency orders pursuant to the emergency declaration and, if so, whether such orders, or any of them, violate the separation of powers doctrine reflected in [art.] 30 of the Massachusetts Declaration of Rights; and

“(2) Whether the emergency orders issued by Governor Baker pursuant to his declaration of a state of emergency on March 10, 2020, violate plaintiffs' federal or state constitutional rights to procedural and substantive due process or free assembly as alleged by plaintiffs.”

Discussion. 1. The Governor's authority under the CDA. The plaintiffs argue that the Governor's emergency declaration and emergency orders under the CDA are unenforceable, ultra vires actions because the CDA vests the Governor with specified emergency powers only in the event of “immediate and specific cataclysmic events of limited duration,” which they argue the COVID-19 pandemic is not. The plaintiffs further argue that the Legislature intended the Public Health Act (PHA), codified, as amended, in G. L. c. 111, and not the CDA, to be used to protect Massachusetts residents from “disease dangerous to the public health,” such as COVID-19. The Governor counters that the plain language of the CDA gives him broad

authority in the context of the COVID-19 pandemic, the PHA does not preclude the Governor from acting under the CDA, and the current Legislature repeatedly has ratified his reading of the CDA and his application of the CDA to the COVID-19 pandemic. We conclude that the CDA provides authority for the Governor's declaration of a state of emergency in response to the COVID-19 pandemic and the issuance of the emergency orders.

In interpreting a statute, we follow the plain language “when it is unambiguous and when its application ‘would not lead to an “absurd result,” or contravene the Legislature’s clear intent.” *Commonwealth v. Kelly*, 470 Mass. 682, 689 (2015), quoting *Commissioner of Revenue v. Cargill, Inc.*, 429 Mass. 79, 82 (1999). “The words of a statute are the main source from which we ascertain legislative purpose” *Kelly, supra* at 688, quoting *Foss v. Commonwealth*, 437 Mass. 584, 586, (2002). “More specifically, courts construe a statute in accord with the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished, to the end that the purpose of its framers may be effectuated” (quotation and citation omitted). *Kelly, supra* at 688-689.

a. The CDA. The CDA, entitled “An Act to provide for the safety of the commonwealth during the existence of an emergency resulting from disaster or from hostile action,” provides the Governor with expansive discretionary powers in the face of a declared state of emergency, namely, “all authority

over persons and property, necessary or expedient for meeting said state of emergency, which the general court in the exercise of its constitutional authority may confer upon him as supreme executive magistrate of the commonwealth and commander-in-chief of the military forces thereof.” St. 1950, c. 639, § 7. The Legislature enacted St. 1950, c. 639, as a temporary measure. See St. 1950, c. 639, § 22 (providing CDA would run only to July 1, 1952); *Director of the Civ. Defense Agency & Office of Emergency Preparedness v. Civil Serv. Comm'n*, 373 Mass. 401, 404 (1977). The sunset clause was later extended and eventually removed. See St. 1952, c. 269; St. 1953, c. 491.

Section 5 of the CDA, on which the plaintiffs focus their statutory interpretation argument, and under which the Governor, in part, declared the state of emergency, provides, in relevant part:

“Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, in order to insure that the preparations of the commonwealth will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, security and safety, and to preserve the lives and property of the people of the commonwealth, if and when the congress of the United States shall declare war, or if and when the President of the United States shall by proclamation or otherwise inform the governor that the peace and security of

the commonwealth are endangered by belligerent acts of any enemy of the United States or of the commonwealth or by the imminent threat thereof; or upon the occurrence of any disaster or catastrophe resulting from attack, sabotage or other hostile action; or from riot or other civil disturbance; or from fire, flood, earthquake or other natural causes; or whenever because of absence of rainfall or other cause a condition exists in all or any part of the commonwealth whereby it may reasonably be anticipated that the health, safety or property of the citizens thereof will be endangered because of fire or shortage of water or food; or whenever the accidental release of radiation from a nuclear power plant endangers the health, safety, or property of people of the commonwealth, the governor may issue a proclamation or proclamations setting forth a state of emergency.”

St. 1950, c. 639, § 5, as amended through St. 1979, c. 796, § 26. The CDA further specifies that “[t]he governor ... shall be responsible for carrying out the provisions of this act,” St. 1950, c. 639, § 4, and that the Governor may exercise any of the authority conferred on him by any provision of the CDA in a declaration of emergency under § 5, including through executive orders issued thereafter, St. 1950, c. 639, § 8.

The plaintiffs contend that we must apply the statutory interpretation canon of *eiusdem generis*¹⁹ because § 5 of the CDA contains general terms preceded by specific, limiting terms. However, where, as here, the language of a statute “is unambiguous and when its application ‘would not lead to an “absurd result,” or contravene the Legislature’s clear intent,’ ” we follow the plain language. *Kelly*, 470 Mass. at 689, quoting *Cargill, Inc.*, 429 Mass. at 82. See *Gooch v. United States*, 297 U.S. 124, 128 (1936) (“The rule of *eiusdem generis* ... is only an instrumentality for ascertaining the correct meaning of words when there is uncertainty.... [I]t may not be used to defeat the obvious purpose of legislation”).

Because the CDA does not specify that the Governor's power to declare a state of emergency extends to the COVID-19 pandemic specifically or to a health crisis generally, the Governor's power turns on whether the phrase “other natural causes” in § 5 encompasses a health crisis such as the COVID-19 pandemic. We note first that COVID-19 is naturally caused, as scientists believe it originated from an animal, likely a bat. When examining the phrase “other natural causes” in the context of § 5 and the statute as a whole, *Kelly*, 470 Mass. at 688-689, it is apparent that the phrase encompasses a pandemic on the scale of the COVID-19 pandemic. Section 5 states the general purposes of the CDA as, in part, “to protect

¹⁹ *Eiusdem generis* “applies to lists [w]here general words follow specific words in a statutory enumeration.’ ” See *Carey v. Commissioner of Correction*, 479 Mass. 367, 370 n.6 (2018), quoting *Banushi v. Dorfman*, 438 Mass. 242, 244 (2002). “It limits the ‘general terms which follow specific ones to matters similar to those specified.’ ” *Carey, supra*, quoting *Commonwealth v. Gallant*, 453 Mass. 535, 542 (2009).

the public peace, health, security and safety, and to preserve the lives and property of the people of the commonwealth.” St. 1950, c. 639, § 5. Given that COVID-19 is a pandemic that has killed over a million people worldwide, it spreads from person to person, effective vaccines have not yet been distributed, there is no known cure, and a rise in cases threatens to overrun the Commonwealth's hospital system, it is a natural cause for which action is needed to “protect the public peace, health, security and safety, and to preserve the lives and property of the people of the commonwealth.” *Id.* Therefore, we conclude that the CDA, through the phrase “other natural causes,” encompasses a health crisis on the level of the COVID-19 pandemic.

b. The PHA. The PHA covers an array of public health related issues in the Commonwealth. See, e.g., G. L. c. 111, §§ 4G (care for epileptics), 8C (fluoridation of water supplies), 72D (telephone access at long-term care facilities), 127A (adoption and enforcement of State sanitary code). Specific to the COVID-19 pandemic, the plaintiffs argue that certain sections of the PHA pertain to the control of the pandemic and preclude the Governor from acting under the CDA.²⁰ See, e.g., G. L. c. 111, § 6 (“The [Department of Public Health] shall have the power to define ... what diseases shall be deemed to be dangerous to the public health, and shall make such rules and regulations consistent with law for the control and prevention of such diseases as it deems advisable for the protection of the

²⁰ The plaintiffs cite G. L. c. 111, §§ 1, 2, 6, 7, 92, 95, 96, 96A, 104, 106, 111, 111C, 112, 113.

public health”). However, although it is evident that the PHA was designed to protect Massachusetts residents from, among other things, dangerous diseases, there is nothing to prevent the CDA from supplementing the PHA during times of actual public health emergencies, such as the COVID-19 pandemic.

The PHA and the CDA differ significantly in the scope of the emergency they seek to address. It is clear from the language of both acts that the Legislature could not have intended the PHA, and therefore primarily local boards of health, to be exclusively responsible for addressing a public health crisis such as COVID-19, a pandemic that has killed over one million people globally and over 10,000 people in Massachusetts. The CDA is broader in scope for emergencies of a larger magnitude than is encompassed by the PHA, which focuses largely on the actions required of local boards. See G. L. c. 111, §§ 104 (“If a disease dangerous to the public health exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of the infection ...”), 106 (“The board of health of a town near to or bordering upon an adjoining state may in writing appoint suitable persons ... who may examine such travelers as the board suspects of bringing any infection dangerous to the public health, and, if necessary, restrain them from traveling until licensed thereto by the board of health of the town to which they may come”). In contrast, the CDA contemplates the need to prepare for and respond to a serious disaster requiring swift, top-down, coordinated relief efforts. See, e.g., St. 1950, c. 639, §§ 1 (defining “[c]ivil defense”), 5(a) (upon proclamation of state of emergency, Governor “may employ every agency and all members of every department and division of the

government of the commonwealth to protect the lives and property of its citizens and to enforce the law”), 7 (Governor “shall have and may exercise any and all authority over persons and property, necessary or expedient for meeting said state of emergency”). It therefore appears that with the emphasis on empowering local boards of health, the Legislature contemplated the PHA to address public health issues confined to particular locales within the Commonwealth. On the other hand, it appears that with the latitude given to the Governor to respond to “other natural causes,” the Legislature created the CDA to deal with Statewide public health crises beyond the scope of local authorities. In essence, the existence of the CDA and the PHA demonstrates a legislative intent not to limit the Governor's ability to manage a public health crisis like the COVID-19 pandemic, but to empower him to do so.

Moreover, the CDA directs the Governor and executive officers to utilize, to the maximum extent practicable, the existing State and local departments, agencies, officers, and personnel in carrying out the provisions of the CDA. St. 1950, c. 639, § 16. See St. 1950, c. 639, § 20 (all members of governmental bodies must “fully ... co-operate with the governor and the director of civil defense in all matters affecting civil defense”). See also St. 1950, c. 639, § 13 (political subdivisions empowered “to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster”). Therefore, although under a different framework from the PHA, local organizations and agencies are part of the over-all CDA scheme.

Accordingly, because the CDA encompasses a larger scale emergency requiring executive action coordinating State resources, the PHA is focused on local health boards, and neither the PHA nor the CDA contains language precluding the Governor from acting under the CDA when faced with a public health emergency, the PHA does not preclude the Governor from acting under the CDA in relation to the COVID-19 pandemic.²¹

c. Looking forward. Despite our emphasis on the serious nature of the COVID-19 pandemic, we are cognizant of the limits of the Governor’s power under the CDA.

As is the case here, when the Governor acts pursuant to an express authorization of the Legislature, “his authority is at its maximum, for it includes all that he possesses in his own right plus all that [the Legislature] can delegate.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635-637 (1952) (Jackson, J., concurring) (“If his act is held unconstitutional under these circumstances, it usually means that the [State] Government as an undivided whole lacks power”). In *Youngstown Sheet & Tube Co.*, the President ordered the Secretary of Commerce to

²¹ The plaintiffs’ argument that because the CDA is a special law, and therefore not codified in the General Laws, the Legislature did not intend for it to apply to diseases also is unavailing. From a legal perspective, a special act has the same force and effect as a General Law. See, e.g., Legislative Research Council, Report Relative to Civil Defense, 1971 House Doc. No. 5034, at 65, 66 (“it has been the accepted practice of the General Court not to incorporate either statutes with a specific expiration date or statutes applicable to a unique situation in the General Laws”).

take possession of and operate most of the steel mills in the country, and because he did not act pursuant to an act of Congress, the issue was whether the Constitution provided the President with the authority to issue the order. *Id.* at 582-583, 585-587, 72 S.Ct. 863. The United States Supreme Court held that the “Constitution [did] not subject this lawmaking power of Congress to presidential ... supervision or control.” *Id.* at 588-589, 72 S.Ct. 863 (“The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times”).

In Justice Jackson’s concurrence, he detailed three levels of executive action: (1) when the executive acts pursuant to an express or implied legislative authorization, (2) when the executive acts where the Legislature has neither granted nor denied his authority, and (3) when the executive’s actions are incompatible with the express or implied will of the Legislature. *Id.* at 635-637 (Jackson, J., concurring). Actions taken under the first level receive the strongest presumption of validity, whereas when the executive acts under the third level, his or her “power is at its lowest ebb” and “[c]ourts can sustain exclusive [executive] control in such a case only by disabling the [Legislature] from acting upon the subject.” *Id.* at 635-638.

In the present case, it is the language of the CDA, and therefore an express authorization from the Legislature, that enables the Governor to act. However, although we determine that the Governor is acting pursuant to an express grant of authority from the Legislature, we emphasize that not all matters that have an impact on the public health will qualify as “other natural causes” under the CDA, even though they may be naturally caused. The distinguishing

characteristic of the COVID-19 pandemic is that it has created a situation that cannot be addressed solely at the local level. Only those public health crises that exceed the resources and capacities of local governments and boards of health, and therefore require the coordination and resources available under the CDA, are contemplated for coverage under the CDA. Therefore, although we hold that the COVID-19 pandemic falls within the CDA, we do not hold that all public health emergencies necessarily will fall within the CDA, nor do we hold that when the public health data regarding COVID-19 demonstrates stable improvement, the threshold will not be crossed where it no longer constitutes an emergency under the CDA.

2. Separation of powers under art. 30. The plaintiffs next argue that the Governor's emergency orders violate art. 30. They contend that the Governor "does not have the authority to suspend, dispense, or make law backed with civil and criminal penalties through his COVID-19 Orders." The Governor counters that the emergency orders fall within the limits on executive authority set by the Massachusetts Constitution because the Governor is discharging his constitutional duty to execute the laws and because the orders are grounded in statutory authority delegated to the Governor. We conclude that because the Governor's actions were carried out pursuant to the authority granted to the Governor in the CDA, the emergency orders do not violate art. 30.

Article 30 provides:

"In the government of this commonwealth, the legislative department shall never exercise the

executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.”

The General Court is the Commonwealth’s legislative department, and the Governor is its “supreme executive magistrate.” See Part II, c. 1, § 1, Art. 1, and Part II, c. II, § 1, Art. 1, of the Constitution of the Commonwealth. “We have recognized that art. 30 does not rigidly demand a total separation between the three branches of government but rather that there is a ‘need for some flexibility in the allocation of functions among the three departments.’” *Boston Gas Co. v. Department of Pub. Utils.*, 387 Mass. 531, 541 (1982), quoting *Opinion of the Justices*, 375 Mass. 795, 813 (1978). “The critical inquiry is whether the actions of one branch interfere with the functions of another.” *Boston Gas Co.*, *supra*, citing *Opinion of the Justices*, *supra*.

We first note that the Governor asserts that the Legislature has expressed its approval of his actions through its enactment of a wide range of legislation to address the COVID-19 pandemic subsequent to the emergency declaration. Assuming for the purposes of this discussion that the Legislature has approved the Governor's actions by not moving to curtail them, this does not absolve us of our responsibility to determine whether the emergency orders are within the bounds of art. 30. We can look to the Legislature's lack of exercise of the option under § 22 of the CDA to make

any part of the CDA inoperative as an indication that it approves of the Governor's actions, but that inaction is not determinative of our decision. See St. 1950, c. 639, § 22. The validity of the Governor's actions is for the courts—not the Legislature—to decide.

We conclude that the emergency orders do not interfere with the functions of the Legislature. See *Boston Gas Co.*, 387 Mass. at 541, citing *Opinion of the Justices*, 375 Mass. at 813. As we have determined *supra* that the CDA provides authority for the Governor's declaration of the state of emergency and for his issuance of the emergency orders, by issuing the emergency orders, the Governor is executing the laws. See *Opinion of the Justices*, 375 Mass. 827, 833 (1978) (“constitutional prerogative, as well as duty, of the Governor to execute the laws”). In addition to the Legislature providing the Governor with the authority to act under the CDA, the Governor states in each emergency order the sections that authorize him to act during the effective period of a declared emergency. See, e.g., Order Extending the Temporary Closure of All Public and Private Elementary and Secondary Schools, COVID-19 Order No. 16 (Mar. 25, 2020) (identifying St. 1950, c. 639, §§ 7, 8, and 8A, as “authoriz[ing] the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons”). Because the Governor was acting under an express authorization of the Legislature, namely, the CDA, his authority was, therefore, at its maximum. See *Youngstown Sheet & Tube Co.*, 343 U.S. at 635-637 (Jackson, J., concurring).

Moreover, the emergency orders do not, as the plaintiffs argue, “deprive the Legislature of its full authority to pass laws.” See *Opinion of the Justices*, 430 Mass. 1201, 1203 (1999). Since the Governor declared the state of emergency, the Legislature has enacted many pieces of legislation to address COVID-19. See, e.g., St. 2020, c. 118 (expanding take-out and delivery options); St. 2020, c. 71 (virtual notarization); St. 2020, c. 65 (eviction and foreclosure moratorium); St. 2020, c. 45 (municipal election postponement and increased voting options). The CDA also provides that the Legislature can make any part of the CDA “inoperative by the adoption of a joint resolution to that effect by the house and senate acting concurrently.” See St. 1950, c. 639, § 22. Therefore, not only have the emergency orders not precluded the Legislature from exercising its full authority to pass laws, but the Legislature also has at its disposal a way to curb the Governor's powers under the CDA, should it desire to do so, and it has not done so.²² See *Boston Gas Co.*, 387 Mass. at 541, citing *Opinion of the Justices*, 375 Mass. at 813 (“critical inquiry is whether the actions of one branch interfere with the functions

²² The plaintiffs’ argument that the emergency orders amount to an improper exercise of police power also fails. The Legislature can delegate the police power, see *Arno v. Alcoholic Beverages Control Comm’n*, 377 Mass. 83, 88-89 (1979); *Milton v. Donnelly*, 306 Mass. 451, 459 (1940), and the penalties that are provided for in some of the emergency orders, see, e.g., Order No. 13, are provided pursuant to the CDA. See St. 1950, c. 639, § 8 (“Whoever violates any provision of [an executive order or general regulation promulgated by the governor under the CDA] ... shall be punished by imprisonment for not more than one year, or by a fine of not more than [\$500], or both”).

of another”).²³ For the foregoing reasons, we conclude that the emergency orders do not violate art. 30.²⁴

²³ The plaintiffs state that the Legislature cannot delegate its lawmaking prerogative to the Governor; however, they have not demonstrated how the Governor’s actions serve to abrogate this power. The argument does not rise to the level required for appellate advocacy. See Mass. R. A. P. 16 (a)(9)(A), as appearing in 481 Mass. 1628 (2019). Moreover, nothing in the Governor’s actions prevents the Legislature from exercising its lawmaking prerogative or police power.

²⁴ The United States District Court for the Western District of Michigan certified questions to the Michigan Supreme Court relating to the Michigan Governor’s authority to issue her COVID-19 emergency orders. *In re Certified Questions from the U.S. Dist. Court*, No. 161492, slip op. at 2 (Mich. Oct. 2, 2020 (*In re Certified Questions*)). The Michigan Supreme Court held that (1) absent legislative authorization, the Michigan Governor did not possess the authority under the Emergency Management Act, Mich. Comp. Laws §§ 30.401 et seq., to redeclare a state of emergency or state of disaster based on the COVID-19 pandemic after the twenty-eight days provided for in the statute had run; and (2) because the Emergency Powers of the Governor Act of 1945, Mich. Comp. Laws §§ 10.31 et seq., was an unlawful delegation of legislative power to the executive branch, the Michigan governor did not possess the authority to exercise emergency powers under that act. *Id.* Although the Michigan Supreme Court addressed facially similar issues to the ones at hand in the present matter, a deeper look reveals two core differences. First, unlike the Michigan Emergency Management Act, the CDA does not contain a requirement that a set number of days after declaring a state of disaster or state of emergency “the governor shall issue an executive order or proclamation declaring the [state of disaster or state of emergency] terminated, unless a request by the governor for an extension of a number of days is approved by resolution of both houses of the legislature.” See Mich. Comp. Laws §§ 30.403(3), (4). Second, although the court determined that the Emergency Powers of the Governor Act was an unlawful delegation of power because of the broad scope and

3. Constitutional rights. The plaintiffs also argue that the emergency orders violate their Federal and State constitutional rights to due process and assembly. The Governor counters that the emergency orders do not violate the plaintiffs' Federal and State due process and assembly rights and that broad deference should be afforded to the emergency orders. We conclude that the emergency orders do not violate the plaintiffs' Federal or State due process or assembly rights.

As an initial matter, the Governor argues that under *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), during times of public health crises State action should be upheld unless it lacks a “real or substantial relation to the protection of the public health” or represents “a plain, palpable invasion of rights secured by the fundamental law.” *Id.* at 31. In *South Bay United Pentecostal Church v. Newsom*, 140 S. Ct. 1613 (2020) (*South Bay*), in which the applicants sought to enjoin the enforcement of the California Governor’s order limiting attendance at places of worship, Chief Justice Roberts’s concurrence relied, in part, on *Jacobson*, stating that “[the United States] Constitution principally entrusts [t]he safety and health of the

indefinite duration of the delegated powers, and the standards of being “reasonable” and “necessary” that governed the Michigan governor’s exercise of emergency powers were not sufficient to render the statute constitutional, *In re Certified Questions, supra* at 31-33, the differentiating factor is that the CDA provides substantially more detail and guidance to the governor than the Emergency Powers of the Governor Act provided the Michigan Governor. Compare Mich. Comp. Laws §§ 10.31, 10.32, 10.33, with St. 1950, c. 639, §§ 1-22.

people’ to the politically accountable officials of the States ‘to guard and protect.’” *Id.* at 1613 (Roberts, C.J., concurring), quoting *Jacobson, supra* at 38. Chief Justice Roberts further elaborated that “[w]hen those officials ‘undertake[] to act in areas fraught with medical and scientific uncertainties,’ their latitude ‘must be especially broad.’ ” *South Bay, supra*, quoting *Marshall v. United States*, 414 U.S. 417, 427 (1974). “Where those broad limits are not exceeded, they should not be subject to second-guessing by an ‘unelected [State] judiciary,’ which lacks the background, competence, and expertise to assess public health and is not accountable to the people.” *South Bay, supra* at 1613-1614, quoting *Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528, 545 (1985). Therefore, as long as the “broad limits” are not surpassed, we will look to see whether the emergency orders bear a “real or substantial relation to the protection of the public health,” *Jacobson, supra* at 31, and will not second guess the emergency orders.²⁵

²⁵ In *County of Butler v. Wolf*, U.S. Dist. Ct., No. 2:20-cv-677, 2020 WL 5647480 (W.D. Pa. Sept. 14, 2020), the judge was presented with a constitutional challenge to the Pennsylvania Governor’s orders related to the COVID-19 pandemic. In determining the constitutional standard to apply, the judge rejected the defendants’ argument that the deferential standard of *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), should apply, instead applying “regular” constitutional scrutiny. *County of Butler, supra* at 17. The judge stated: “Although the *Jacobson* Court unquestionably afforded a substantial level of deference to the discretion of state and local officials in matters of public health, it did not hold that deference is limitless.” *Id.* at 13. The judge quoted from *Jacobson* for the proposition that a public health measure may violate the Constitution:

a. Due process. The plaintiffs argue that the emergency orders violated their rights to procedural and substantive due process under art. 10 of the Massachusetts Declaration of Rights and under the due process clause of the Fourteenth Amendment to the United States Constitution.

“Before closing this opinion we deem it appropriate, in order to prevent misapprehension [of] our views, to observe—perhaps to repeat a thought already sufficiently expressed, namely—that the police power of a [S]tate, whether exercised ... by the legislature, or by a local body acting under its authority, may be exerted in such circumstances ... or by regulations so arbitrary and oppressive in particular cases ... as to justify the interference of the courts to prevent wrong and oppression.” (Alterations added to reflect original language in *Jacobson*.)

Id., quoting *Jacobson*, *supra* at 38. The judge went on to note that other courts and commentators question whether “[*Jacobson*] remains instructive in light of the [tiered levels of scrutiny developing after *Jacobson*].” *County of Butler*, *supra* at 13-14. And the core basis of the judge’s reasoning was that “*Jacobson* should not be interpreted as permitting the ‘suspension’ of traditional levels of constitutional scrutiny in reviewing challenges to COVID-19 mitigation measures.” *Id.* at 16, 17, citing Wiley & Vladeck, *Coronavirus, Civil Liberties, and the Courts: The Case Against “Suspending” Judicial Review*, 133 Harv. L. Rev. F. 179, 182 (2020) (“Two considerations inform this decision—the ongoing and open-ended nature of the restrictions and the need for an independent judiciary to serve as a check on the exercise of emergency government power”).

We agree that *Jacobson* does not lead us to disregard constitutional scrutiny and defer completely to the executive’s orders. Instead, we determine the appropriate level of scrutiny and analyze the issues thereunder.

i. Procedural due process. The plaintiffs contend that their procedural due process rights were violated because the Governor failed to provide adequate process before burdening or denying their liberty and property interests. The Governor argues that the plaintiffs were not entitled to individual hearings because the emergency orders were in response to a public health crisis and because the emergency orders were not adjudications, but instead were rules of general and prospective application. We disagree with the plaintiffs' assertion because the emergency orders were general rules, not individual adjudications. See *American Grain Prods. Processing Inst. v. Department of Pub. Health*, 392 Mass. 309, 323 n.20 (1984) ("It is well settled that, where a proceeding is legislative or political rather than adjudicatory, a hearing is not essential to due process ..."). Adjudications involve "specifically identified persons" who are affected, whereas general rules involve legislative or policy decisions that have a prospective and general application. See *Cambridge Elec. Light Co. v. Department of Pub. Utils.*, 363 Mass. 474, 486-487 (1973). The emergency orders were general rules because they are policy decisions that apply prospectively to entire categories of organizations. See *id.*; *Hayeck v. Metropolitan Dist. Comm'n*, 335 Mass. 372, 374-375 (1957). Therefore, because general rules do not require an individualized, adjudicatory hearing, see *American Grain Prods. Processing Inst.*, *supra*, the absence of the additional procedures here did not violate the plaintiffs' rights to procedural due process.²⁶

²⁶ The emergency orders are not, as the plaintiffs argue, required to go through notice and comment rulemaking pursuant to G. L. c. 30A, § 2. General Laws c. 30A, § 2, in part, requires an agency to hold a public hearing before the adoption of a regulation

ii. Substantive due process. The plaintiffs contend that the emergency orders violate their substantive due process rights because the emergency orders interfere with their enjoyment of their liberty and property interests and because the Governor unlawfully dispensed with the law by deciding arbitrarily which businesses were “essential,” and that only some businesses could reopen. The Governor argues that the emergency orders do not violate the plaintiffs’ substantive due process rights because in crafting the emergency orders, he consulted recommendations from public health officials and acted in accordance with public health recommendations, and because the plaintiffs do not have a constitutional right to conduct their business, religious, or educational activities free from government regulation. We determine that the Governor did not act arbitrarily and that the emergency orders did not violate the plaintiffs’ substantive due process rights.

When analyzing due process challenges under art. 10, we “adhere[] to the same standards followed in Federal due process analysis.” *Gillespie v. Northampton*, 460 Mass. 148, 153 n.12 (2011), quoting *Goodridge v. Department of Pub. Health*, 440 Mass. 309, 353 (2003) (Spina, J., dissenting). When a fundamental right is burdened, we apply strict scrutiny, which requires that governmental restraints be “narrowly tailored to further a legitimate and

if violation of the regulation is punishable by a fine or imprisonment. However, the Governor is exempt from the statute’s definition of “agency,” G. L. c. 30A, § 1(2), and G. L. c. 30A, §§ 1A-1D, which apply the hearing requirement to State bodies that are exempt from the definition of “agency,” do not include the Governor.

compelling governmental interest” (citation omitted). *Gillespie, supra* at 153. We apply rational basis review where the statute does not “collide with a fundamental right.” *Id.* As a matter of due process, under the rational basis test, governmental action is “constitutionally sound if it is reasonably related to the furtherance of a valid State interest.” *Id.*

To the extent the plaintiffs argue that operating a business, teaching one's child, and assembling for religious reasons are burdened by the emergency orders, these arguments do not subject the emergency orders to strict scrutiny. The right to work is not a fundamental right that receives strict scrutiny, *Commonwealth v. Henry's Drywall Co.*, 366 Mass. 539, 542 (1974); the orders do not ban teaching children, but rather limit gatherings in schools; and limitations on religious gatherings to mitigate COVID-19 risks are valid as long as the limitations are no more stringent than those imposed on similarly situated secular institutions, which they are in this case,²⁷ see *Roman Catholic Diocese v. Cuomo*, 141 S. Ct. 63, (2020); *South Bay*, 140 S. Ct. at 1613 (Roberts, C.J., concurring).

We further disagree with the plaintiffs that the Governor unlawfully has dispensed with the law, thereby rendering the emergency orders arbitrary and a violation of the plaintiffs' substantive due process rights. The plaintiffs note that the CDA allows for the

²⁷ The petitioners have not argued that the houses of worship are being treated differently from the secular businesses. Nevertheless, we have reviewed the orders relating to houses of worship in light of the order in *Roman Catholic Diocese v. Cuomo*, 141 S.Ct. 63 (2020), and we have concluded that the Governor's orders do not suffer from the same features criticized by the Court in that case.

“suspension of the operation of [law]” in certain circumstances, St. 1950, c. 639, § 7(k), and they cite *Picquet, appellant*, 5 Pick. 65, 69-70 (1827), for the proposition that a suspension of the law affects all people equally. They argue, however, that instead of suspending the law, the Governor has dispensed with the law by closing and then reopening some, but not all, businesses. Dispensing with the law occurs when the Legislature, or one acting with authority from the Legislature, “suspend[s] any of the general laws, limiting the suspension to an individual person, and leaving the law still in force in regard to every one else.” *Id.* See *Commissioner of Pub. Health v. Bessie M. Burke Memorial Hosp.*, 366 Mass. 734, 741 (1975). That is not what the emergency orders have done. Although the emergency orders do place different businesses in different categories, this does not equate to dispensing with the law, as the emergency orders do not limit the suspension of the law to an individual person, or group, but instead apply equally to similarly situated categories of businesses. The Governor is not, as the plaintiffs argue, “donn[ing] the mantle and crown” to pick winners and losers; he is making difficult decisions about which types of businesses are “essential” to provide people with the services needed to live and which types of businesses are more conducive to spreading COVID-19, and basing his emergency orders on those determinations. Because the CDA grants the Governor the authority to issue the emergency orders, and because the emergency orders applied to broad categories of similarly situated businesses and organizations, we conclude that the emergency orders did not dispense with the law, were not arbitrary, and therefore did not violate the plaintiffs’ substantive due process rights.

Because we determine that the emergency orders do not burden the plaintiffs' fundamental rights, and we reject the plaintiffs' arguments that the emergency orders' status as executive-made law renders them subject to strict scrutiny and that they dispense with the law, we conclude that the emergency orders are subject to rational basis review. The emergency orders as a whole were informed by public health recommendations and serve the State interest of slowing the spread of COVID-19, which is a legitimate State interest. See *Jacobson*, 197 U.S. at 31; *Gillespie*, 460 Mass. at 153. Although some businesses and organizations bear a larger burden than others under the emergency orders, this alone does not render arbitrary the restrictions imposed by the emergency orders.²⁸ Therefore, the emergency orders do not violate the plaintiffs' substantive due process rights.

b. Free assembly. The plaintiffs argue that the emergency orders unconstitutionally burden their right

²⁸ The plaintiffs use the example of arcades and casinos being in different opening phases. Casinos were allowed to open in phase three, whereas arcades were moved from phase three to phase four, but were thereafter allowed to reopen in September 2020. See Order Authorizing the Re-opening of Phase III Enterprises, COVID-19 Order No. 43 (July 2, 2020); Order Making Certain Phase III Adjustments, COVID-19 Order No. 50 (Sept. 10, 2020). Although at first glance, casinos and arcades seem like they would pose the same level of risk for patrons, unlike arcades, casinos are highly regulated by the Gaming Commission, and Massachusetts has only three casinos. The high level of regulation that could lessen the risk of spread of COVID-19 suffices as a reason for the Governor to have placed the entities in different phases. See *New Orleans v. Dukes*, 427 U.S. 297, 303 (1976); *Gillespie v. Northampton*, 460 Mass. 148, 153 (2011).

to free assembly under art. 19 of the Massachusetts Declaration of Rights and the First Amendment to the United States Constitution. We agree with the Governor that the emergency orders are valid time, place, and manner restrictions.

States may impose reasonable restrictions on the time, place, or manner of protected speech and assembly “provided the restrictions ‘are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.’ ” *Boston v. Back Bay Cultural Ass’n, Inc.*, 418 Mass. 175, 178-179 (1994), quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791, (1989). The same test applies to restrictions analyzed under art. 19. *Opinion of the Justices*, 430 Mass. 1205, 1208-1209 & n.3 (2000). We agree with the Governor that reducing the dangers of COVID-19 is a significant government interest, and we therefore look to whether the emergency orders are content neutral and narrowly tailored and leave open alternative channels of communication.

We first determine that the emergency orders are content neutral. The “principal inquiry in determining content neutrality ... in time, place, or manner cases ... is whether the government has adopted a regulation of speech because of disagreement with the message it conveys.” *Back Bay Cultural Ass’n, Inc.*, 418 Mass. at 179, quoting *Ward*, 491 U.S. at 791. An order may regulate the secondary effects of speech and assembly, such as public health, without being held to regulate the expressive content of the speech or assembly at issue. See *Showtime Entertainment, LLC v. Town of Mendon*, 472 Mass. 102, 107 (2015), quoting

Renton v. Playtime Theatres, Inc., 475 U.S. 41, 47-48 (1986).

Here, the purpose of the emergency orders is unrelated to regulating the expressive content of the regulated activities. The emergency orders, and the regulations they impose, are based on the public health data regarding the risks of COVID-19 spreading in certain types of environments and on which businesses are essential in the circumstances presented by the pandemic.²⁹ See, e.g., Order No. 13 (list of essential businesses and other organizations “based on federal guidance and amended to reflect the needs of Massachusetts’[s] unique economy”).

We next determine that the emergency orders are narrowly tailored. A time, place, or manner restriction must be tailored narrowly to achieve a

²⁹ No. 46 exempts political and religious gatherings from its reach, but this exemption does not render the order viewpoint based. See Third Revised Order Regulating Gatherings Throughout the Commonwealth, COVID-19 Order No. 46 (Aug. 7, 2020) (Order No. 46). If exemptions “represent a governmental attempt to give one side of a debatable public question an advantage in expressing its views to the people,” exemptions can invalidate an otherwise content-neutral regulation. See *McCullen v. Coakley*, 573 U.S. 464, 483 (2014), quoting *Ladue v. Gilleo*, 512 U.S. 43, 51 (1994). Here, the exemptions do not invalidate the restriction because the exemptions can be justified in light of the secondary effect on public health, see *Showtime Entertainment, LLC v. Mendon*, 472 Mass. 102, 107 (2015), quoting *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 47-48 (1986), and also because religious gatherings are subject to the limitations set forth in the “Places of worship” guidance and it was social gatherings that the order specifically identified as contributing to the rise in the infection rate. See Order No. 46 (“clusters of COVID-19 infections have been traced to house parties in the Commonwealth and in other States”).

substantial government interest, but “it need not be the least restrictive or the least intrusive means of doing so.” *Opinion of the Justices*, 430 Mass. at 1211, quoting *Ward*, 491 U.S. at 799. We will uphold a restriction “[s]o long as the means chosen are not substantially broader than necessary to achieve the government's interest.” *Showtime Entertainment, LLC*, 472 Mass. at 109, quoting *Ward, supra* at 800. The restrictions at issue readily meet this standard, as reducing the number of people who can gather together and taking other measures aimed at reducing the rate of COVID-19, which spreads from person-to-person contact, are not “substantially broader than necessary to achieve the government's interest” of reducing the spread of COVID-19. See *Showtime Entertainment, LLC, supra*, quoting *Ward, supra*.

We also determine that the emergency orders leave open alternative channels of communication. The orders limit the number of people allowed at most gatherings, but do not ban all in-person assembly, and the plaintiffs have alternative ways to assemble, such as through virtual assembly. See *Renton*, 475 U.S. at 53-54 (leaving more than five percent of town available for adult theaters provided sufficient alternative channels of communication); *Opinion of the Justices*, 430 Mass. at 1211-1212 (proposed buffer zone law left open alternative channels of communication because protests could still occur outside designated zones); *Friends of Danny DeVito v. Wolf*, 227 A.3d 872, 903, cert. denied, 141 S. Ct. 239 (2020) (restrictions did not ban all in-person gatherings, and online mediums of communication also sufficed).

Therefore, the emergency orders do not unconstitutionally burden the plaintiffs’ right to free assembly because reducing the dangers of COVID-19

is a significant government interest, and because the emergency orders are content neutral and narrowly tailored, and they leave open alternative channels of communication.

Conclusion. For the foregoing reasons, we conclude that the CDA provides the Governor with the authority for his March 10, 2020, declaration of a state of emergency in response to the COVID-19 pandemic and for his issuance of the emergency orders; the emergency orders do not violate art. 30; and they do not violate the plaintiffs' Federal or State constitutional rights to procedural and substantive due process or free assembly.

So ordered.

APPENDIX B

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

**SUPREME JUDICIAL
COURT
FOR SUFFOLK COUNTY
No. SJ-2020-0505**

DAWN DESROSIERS & OTHERS¹

VS.

**CHARLES D. BAKER, in his official capacity as
Governor of the Commonwealth of Massachusetts**

RESERVATION AND REPORT

The petitioners, individuals, business owners, schools, and religious organizations, filed in the Superior Court a complaint challenging the Governor's authority to declare a state of emergency relative to the COVID-19 pandemic under the Civil Defense Act, St. 1950, c. 639, § 5, and to issue the related emergency

¹ Dawn Desrosiers, Dawn Desrosiers d/b/a Hair 4 You, Susan Kupelian, Nazareth Kupelian, Naz Kupelian Salon, Carla Agrippino-Gomes, Terramia, Inc., Antico Forno, Inc., James P. Montoro, Pioneer Valley Baptist Church Incorporated, Kellie Fallon, Bare Bottom Tanning Salon, Thomas E. Fallon, Thomas E. Fallon d/b/a Union Street Boxing, Robert Walker, Apex Entertainment LLC, Devens Common Conference Center LLC, Luis Morales, Vida Real Evangelical Center, Ben Haskell, Trinity Christian Academy of Cape Cod.

orders he has issue. The petitioners also assert that the emergency orders violate their rights to substantive and procedural due process and to free assembly. This matter came before me on the parties' joint motion to transfer this case from the Superior Court to this court, pursuant to [sic] G.L. c. 211, § 4A, and to reserve and report the matter to the full court.

Due to the nature of the questions raised, and the multiple pending cases in State and Federal courts related to these issues of State-wide significance, the parties' motion to transfer is the most expeditious way to resolve the questions presented in the petitioner's complaint. Upon consideration, I exercise my discretion, pursuant to G.L. c. 211, § 4A, to order the Superior Court case to be transferred to this court. Thereafter, I hereby reserve and report the matter to the full court for decision.

In addition to their briefs in the full court, the parties are to prepare and file in the full court a sufficiently comprehensive statement of agreed facts that will enable the court to resolve the legal issues raised in the pleadings; they may choose to submit the statements of facts attached to their motion for transfer, may modify that statement to include identification of any specific orders they are challenging with respect to any specific petitioner individually, any specific types of businesses, or any religious organizations, or may provide a new statement.

The matter shall be scheduled for argument in September, 2020. The parties shall consult with the Clerk of the Supreme Judicial Court for the Commonwealth regarding the designation of the parties and the service and filing of briefs; no extensions of time for filing are anticipated. This

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matter shall proceed in all respects in conformance
with the Massachusetts Rules of Appellate Procedure.

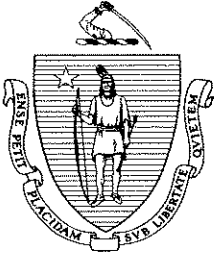
By the Court,

/s/ Barbara A. Lenk
Barbara A. Lenk
Associate Justice

Entered: July 10, 2020

APPENDIX C

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000



CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

GOVERNOR'S DECLARATION OF EMERGENCY

WHEREAS, on January 30, 2020, the World Health Organization designated the 2019 novel Coronavirus outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to the 2019 novel Coronavirus ("COVID-19");

WHEREAS, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease;

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes;

WHEREAS, as of March 10, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there are more than 114,000 confirmed cases of COVID-19 worldwide, and over 4,000 of those cases have resulted in death;

WHEREAS, as of March 10, 2020, according to the CDC, there are more than 600 confirmed cases of COVID-19 in the United States, and 25 of those cases have resulted in death;

WHEREAS, as of March 10, 2020, there are 91 presumed positive cases of COVID-19 in the Commonwealth;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been detected in the Commonwealth and such transmission is expected to continue;

WHEREAS, the Massachusetts Department of Public Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident;

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public;

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth; and

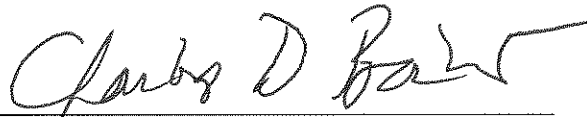
WHEREAS, declaring a state of emergency will facilitate and expedite the use of Commonwealth resources and deployment of federal and interstate resources to protect persons from the impacts of the spread of COVID-19;

NOW THEREFORE, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, do hereby issue this proclamation that there now exists in the Commonwealth of Massachusetts a STATE OF EMERGENCY.

Pursuant to the powers granted to the Governor in Sections 5, 6, 7, 8, and 8A of Chapter 639 of the Acts of 1950, as amended, and other provisions of law, I shall from time to time issue recommendations, directives, and orders as circumstances may require.

This proclamation of a STATE OF EMERGENCY is effective immediately and shall remain in effect until notice is given, pursuant to my judgment, that the STATE OF EMERGENCY no longer exists.

Given in Boston on 3:20 PM this 10th day of March two thousand and twenty.

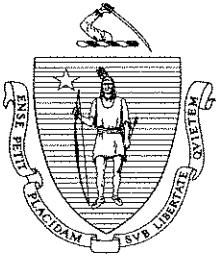


CHARLES D. BAKER
GOVERNOR

Commonwealth of Massachusetts

APPENDIX D

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000



CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER PROHIBITING GATHERINGS OF MORE THAN 250 PEOPLE

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) recommend implementation of community mitigation strategies, including the cancellation of large events. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons;

NOW, THEREFORE, I hereby order the following:

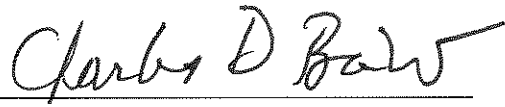
Gatherings of over 250 people are prohibited throughout the Commonwealth. Gatherings subject to this Order include, without limitation, community, civic, public, leisure, faith-based events, sporting events with spectators, concerts, conventions, fundraisers, parades, fairs, festivals, and any similar event or activity that brings together 250 or more persons in a single room or single space at the same time in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theatre, or any other confined indoor or outdoor space. This Order shall not apply to any municipal legislative body or to the General Court or to the judiciary.

The Department of Public Health is directed to issue guidance, subject to my approval, to implement the terms of this Order. The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, §30, shall enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this this

Order or the guidance issued by the Department of Public Health may be result in penalties pursuant to Section 8 of Chapter 631 of the Acts of 1950.

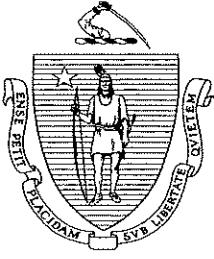
This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 9:15 AM this 13th day of
March, two thousand and twenty

A handwritten signature in cursive script that reads "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR

Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

2020 MAR 16 PM 3:09
SECRETARY OF STATE
REGULATIONS DIVISION

**ORDER TEMPORARILY CLOSING ALL PUBLIC AND PRIVATE
ELEMENTARY AND SECONDARY SCHOOLS**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, on March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 15, 2020, 164 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to practice social distancing when outside of their homes;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons;

NOW, THEREFORE, I hereby order the following:

All public and private elementary and secondary (K-12) schools in the Commonwealth, excluding residential and day schools for special needs students, shall suspend all normal, in-

person instruction and other educational operations at the end of the school day on Monday, March 16, 2020 and shall not re-open for normal operations before Monday, April 6, 2020.

Public school superintendents are directed to determine how to maintain the operation of programs that provide food services and other essential, non-educational services to students and families during the period in which this Order is in effect. Public school superintendents are further directed to consult with their school boards, teaching staff, and other stakeholders how best to provide student access to alternative learning opportunities during this period based on considerations of equity and the availability of resources to support such efforts.

I hereby direct the Commissioner of the Department of Elementary and Secondary Education to issue guidance, subject to my approval, to implement the terms of this Order and, more broadly, to support public school systems in developing and implementing plans to assist families and students in accessing alternative learning opportunities during the period in which this Order is in effect.

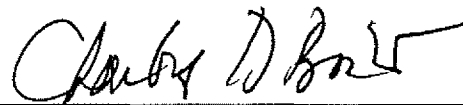
The Department of Public Health and the Department of Elementary and Secondary Education, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed. Violation of the terms of this this Order may result in penalties pursuant to Section 8 of Chapter 631 of the Acts of 1950.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

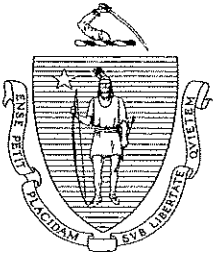
639

CDB
3/16/20

Given in Boston at 6:10 PM this 15th day of March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

2020 MAR 16 PM 3:09
SECRETARY OF STATE
REGULATIONS DIVISION

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER PROHIBITING GATHERINGS OF MORE THAN 25 PEOPLE AND
ON-PREMISES CONSUMPTION OF FOOD OR DRINK**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 15, 2020, 164 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to practice social distancing when outside of their homes; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons;

NOW, THEREFORE, I hereby order the following:

Gatherings of over 25 people are prohibited throughout the Commonwealth. Gatherings subject to this Order include, without limitation, community, civic, public, leisure, faith-based events, sporting events with spectators, concerts, conventions, fundraisers, parades, fairs, festivals, and any similar event or activity that brings together 25 or more persons in a single room or single space at the same time in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theatre, gymnasium, fitness center, private club, or any other confined indoor or outdoor space.

Any restaurant, bar, or establishment that offers food or drink shall not permit on-premises consumption of food or drink; provided that such establishments may continue to offer food for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance.

This Order shall not apply to any municipal legislative body or to the General Court or to the judiciary.

The Commissioner of Public Health is directed to issue guidance, subject to my approval, to implement the terms of this Order. The Department of Public Health, along with any board of health or authorized agent pursuant to G.L. c. 111, §30, shall enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or the guidance issued by the Commissioner of Public Health may result in penalties pursuant to Section 8 of Chapter 631 of the Acts of 1950.

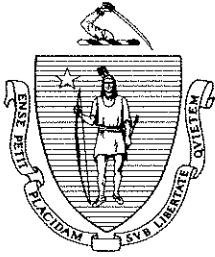
This Order is effective March 17, 2020 and shall remain in effect through April 5, 2020 unless further extended. On the effective date of this Order, the March 13, 2020 Order Prohibiting Gatherings of More than 250 People is hereby rescinded.

639
 CDB
 3/16/20

Given in Boston at 4:52 PM this 15th day of March, two thousand and twenty



CHARLES D. BAKER
 GOVERNOR
 Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER TEMPORARILY CLOSING ALL CHILD CARE PROGRAMS
 AND AUTHORIZING THE TEMPORARY CREATION AND OPERATION
 OF EMERGENCY CHILD CARE PROGRAMS**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 17, 2020, 218 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to practice social distancing when outside of their homes;

WHEREAS, maintaining the availability of first-responders, health care workers, and others who help maintain the health, safety, and welfare of the Commonwealth’s residents is crucial to ensuring a robust, consistent, and effective response to this pandemic. Accordingly, establishing measures to address the child care needs of those workers is of critical importance;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but

not limited to authority over public assemblages in order to protect the health and safety of persons, over educational facilities that are supported in whole or in part by public funds, so as to extend those facilities' benefits and availability, and over variances of the terms and conditions of licenses issued by the Commonwealth or any of its agencies;

NOW, THEREFORE, I hereby order the following:

(1) Temporary Closing of Child Care Programs

All licensed, approved, or exempt child care programs in the Commonwealth shall suspend all normal operations by the end of the day on March 22, 2020 and shall not re-open before Monday, April 6, 2020 unless under approval granted by the emergency program authorized in section (2) below.

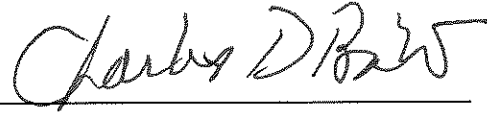
(2) Emergency Child Care Programs

The Department of Early Education and Care ("EEC"), acting through its Commissioner and subject to my approval, is hereby authorized to issue policies, procedures, requirements, and guidance to provide for the creation, approval, operation, staffing, monitoring, inspection, investigation, oversight, and closure of emergency child care programs, and to provide funding for such programs. EEC shall have access to and use of all available Criminal Offender Record Information, juvenile, and sealed records, and Sex Offender Registry Information in order to review and approve the staffing of emergency child care programs. Vulnerable children and children of families who work to maintain the health, safety, and welfare of all Commonwealth residents shall receive priority access to such emergency child care programs.

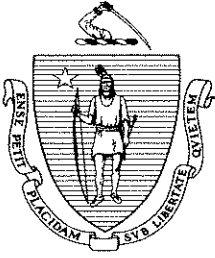
EEC, through its Commissioner, is hereby further authorized to temporarily suspend or modify any existing regulation applicable to licensed, approved, or exempt child care programs to the extent necessary to provide for the creation, operation, and sufficient availability of emergency child care programs consistent with this Order.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 2:05 PM this 18th day of
March, two thousand and twenty

A handwritten signature in cursive script, appearing to read "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER ASSURING CONTINUED OPERATION OF ESSENTIAL SERVICES
 IN THE COMMONWEALTH, CLOSING CERTAIN WORKPLACES,
 AND PROHIBITING GATHERINGS OF MORE THAN 10 PEOPLE**

COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 22, 2020, the Department of Public Health had reported 646 cases of COVID-19, including 5 deaths, with 13 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times, both inside and outside of the home to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States that identifies 14 critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, as Governor, I have identified additional services and functions that likewise are essential to promote the public health and welfare of the Commonwealth, and

therefore it is imperative to ensure that workers providing critical services and functions in these State and Federally designated sectors may continue to work to ensure community resilience and continuity of response efforts; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, in order to minimize all unnecessary activities outside of the home during the state of emergency, I hereby order the following:

1. Maintaining Operation of COVID-19 Essential Services and Workforces

The production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” The workforces engaged and working in these production and service sectors are hereby designated as “COVID-19 Essential Workforces.” I shall amend and publish updates to Exhibit A as I determine necessary in response to conditions as they develop.

Businesses and other organizations that provide the services and functions identified as COVID-19 Essential Services in Exhibit A are urged to continue operations during the state of emergency, but to do so with allowance for social distancing protocols consistent with guidance provided by the Department of Public Health.

Restaurants, bars, and other retail establishments that sell food and beverage products to the public provide COVID-19 Essential Services and are designated as such in Exhibit A. These establishments are therefore encouraged to continue to offer food and beverages for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance. Restaurants, bars, or other establishments that offer food or beverages to the public shall not permit on-premises consumption of food or beverages.

2. Temporary Closing of Other Businesses and Organizations

All businesses and other organizations that do not provide COVID-19 Essential Services shall close their physical workplaces and facilities (“brick-and-mortar premises”) to workers, customers, and the public as of 12:00 noon on March 24, 2020 and shall not re-open to workers, customers, or the public before 12:00 noon on April 7, 2020. Churches, temples, mosques, and other places of worship shall not be required to close their brick and mortar premises to workers or the public; provided, however, that such institutions shall be required to comply with all limitations on gatherings established in section 3 below.

Businesses and other organizations that do not provide COVID-19 Essential Services are encouraged to continue operations where they are able to operate through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by this Order.

3. Limitations on Gatherings

Gatherings of more than 10 people are prohibited throughout the Commonwealth. Gatherings subject to this Order include, without limitation, community, civic, public, leisure, faith-based, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs, festivals, weddings, funerals, and any similar event or activity that brings together more than 10 persons in any confined indoor or outdoor space. This limitation shall not apply to the operations or activities of any business or organization in its provision or delivery of COVID-19 Essential Services.

This Order does not prohibit gatherings of more than 10 people in an unenclosed, outdoor space such as a park, athletic field, or parking lot.

Athletic and recreational activities that bring participants into close, physical contact are prohibited even when involving 10 or fewer people and regardless of where conducted.

4. Exceptions

(a) This Order shall not apply to any municipal legislative body or to the General Court or to the Judiciary.

(b) This Order shall not apply to residential schools for special needs students. This Order also does not apply to public and private elementary and secondary (K-12) schools in the Commonwealth, which are subject to the March 15, 2020 Order Temporarily Closing All Public and Private Elementary and Secondary Schools, as may be subsequently amended, which suspended all normal, in-person instruction.

(c) This Order does not apply to the operation of child care programs in the Commonwealth, which are subject to the March 18, 2020 Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs, as may be subsequently amended.

5. Implementing Guidance and Enforcement

The Commissioner of Public Health is directed to issue guidance (“DPH Guidance”), subject to my approval, to implement the terms of this Order. The DPH Guidance shall include a requirement that grocery stores and other retailers with substantial retail grocery sales establish special limited access hours during which elderly and other vulnerable populations may have exclusive access to make grocery purchases.

The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or the DPH Guidance may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950 or a civil fine of up to \$300 per violation, in the manner provided for non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. A criminal complaint for violation of or a motion for an injunction to enforce this Order or the DPH Guidance shall be filed in the district court with jurisdiction for the municipality in which the violation has been charged.

In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed.

This Order supersedes and makes inoperative any order or rule issued by a municipality that will or might in any way impede or interfere with the achievement of the objectives of this Order. With respect to work and travel in particular, any order or rule issued by a municipality is hereby made inoperative to the extent: (1) such municipal order or rule will or might interfere with provisions of this Order ensuring the continued operation of COVID-19 Essential Services; or (2) such municipal order or rule will or might interfere with the free travel anywhere within the Commonwealth of any person who is a member of any COVID-19 Essential Workforce where such travel is made in connection with the ongoing operation of COVID-19 Essential Services.

This Order rescinds and revokes the Order Prohibiting Gatherings of More than 25 People and On-Premises Consumption of Food or Drink, issued March 15, 2020.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities, and circumstances.

This Order shall be effective at 12:00 noon March 24, 2020 and shall remain in effect through 12:00 noon on April 7, 2020 unless further extended.

Given in Boston at 9:15 AM this 23rd day
of March, two thousand and twenty

A handwritten signature in cursive script, appearing to read "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

COVID-19 ESSENTIAL SERVICES**EXHIBIT A OF THE ORDER OF THE GOVERNOR ASSURING CONTINUED OPERATION OF ESSENTIAL SERVICES IN THE COMMONWEALTH, CLOSING CERTAIN WORKPLACES AND PROHIBITING GATHERINGS OF MORE THAN 10 PEOPLE****March 23, 2020**

Governor Charlie Baker issued an emergency order requiring all businesses and organizations that do not provide “COVID-19 Essential Services” to close their physical workplaces and facilities to workers, customers and the public as of Tuesday, March 24th at noon until Tuesday, April 7th at noon. These businesses are encouraged to continue operations remotely.

The Baker-Polito Administration issued a list of designated businesses and other organizations that provide essential services and workforces related to COVID-19 that shall continue to operate brick and mortar facilities during this two-week time period. This list is based on federal guidance and amended to reflect the needs of Massachusetts’ unique economy. While these businesses are designated as essential, they are urged to follow social distancing protocols for workers in accordance with guidance from the Department of Public Health.

Businesses and organizations not on the list of essential services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by the order.

Restaurants, bars, and other establishments that sell food and beverage products to the public are encouraged to continue to offer food for take-out and by delivery if they follow the social distancing protocols set forth in Department of Public Health guidance continue operations. On-premises consumption of food or drink is prohibited.

HEALTHCARE / PUBLIC HEALTH / HUMAN SERVICES

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Medical Professionals and caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists, other providers of mental and behavioral health care, personal care attendants, home health aides and home care workers)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Medical Clinics, Community Mental Health Centers, Methadone/OBOT Clinics, 24 hour Diversionary and Residential Behavioral Health Providers, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Nursing Facilities, Rest Homes, Assisted Living Residences, Organ Pharmacies,

March 23, 2020

COVID-19 Essential Services

Procurement Organizations, Psychiatric Residential, Residential Treatment Schools, Rural Health Clinics and Federally Qualified Health Centers and Community Health Centers, State Hospitals, and licensed medical marijuana retailers)

- Workers in other 24/7 community resident services serving children and youth, and individuals with developmental, intellectual, physical and/or cognitive disabilities
- Manufacturers, technicians, logistics and warehouse operators, and distributors of or necessary to the supply chain of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services and workers at funeral homes, crematoriums, and cemeteries
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management required to maintain operations
- Emergency Medical Technicians
- 911 call center employees, including telecommunicators, dispatchers and managers
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail, including farmers markets and farm stands, that sells food and beverage products, including liquor stores
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees

COVID-19 Essential Services

- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Workers supporting the seafood and fishing industry
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees; food service workers in residential schools with students who are unable to leave campus
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Organizations and workers responsible for the care and custody of animals, pets and livestock
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

ENERGY**Electricity industry:**

- Workers who maintain, ensure, or restore the reliable generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel

COVID-19 Essential Services

- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations, and road transport
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers
- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

Steam workers:

- Workers who support steam distribution companies' provision of district heating and any electric generation
- Workers who support steam distribution companies' dispatch and control rooms and emergency response and customer emergencies, including steam leak calls
- Workers who support steam distribution companies' service maintenance and restoration, including call centers
- Workers who support steam distribution companies' storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain public and private drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use
- Mass transit and passenger rail workers, including contracted vendors providing transportation and maintenance services to public transit authorities
- Workers critical to operating rental car companies and Transportation Network Companies (TNCs) that facilitate continuity of operations for essential workforces, and other essential travel
- Workers responsible for operating dispatching passenger, commuter and freight trains and public transportation and buses and maintaining rail and transit infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Workers who respond to and clear traffic crashes, including contracted vendors and dispatchers
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Workers who support moving and storage services
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management and other workers – including contracted vendors – providing services for air passengers
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including roads and bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers – including contracted vendors – involved in the construction of critical or strategic infrastructure including public works construction, airport operations, water, sewer, gas, electrical, nuclear, oil refining and other critical energy services, roads and highways, public transportation, solid waste collection and removal, and internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers such as plumbers, electricians, exterminators, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, construction sites and projects, and needed facilities
- Support, such as road and line clearing and utility relocation, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste
- Licensed site clean-up professionals and other workers addressing hazardous spills, waste sites, and remediation.
- Workers who support the operation, maintenance and public safety of state parks, forests, wildlife management areas, water supply protection lands, and other critical natural resources.
- Workers who support storm clean-up operations (e.g., foresters).

COMMUNICATIONS AND INFORMATION TECHNOLOGY**Communications:**

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices,

COVID-19 Essential Services

who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting

- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure
- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED ESSENTIAL FUNCTIONS AND GOVERNMENT OPERATIONS

- Workers to ensure continuity of building functions, including local and state inspectors and administrative support of inspection services who are responsible for the inspection of elevators, escalators, lifts, buildings, plumbing and gas fitting, electrical work, and other safety related professional work
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers including holders of Commercial Drivers Licenses
- Workers who are critical to facilitating trade in support of the national, state and local emergency response supply chain
- Educators and staff supporting public and private emergency childcare programs, residential schools for students with disabilities, K-12 schools, colleges, and universities for purposes of facilitating distance learning, provision of school meals, or performing other essential student support functions, if operating under rules for social distancing

COVID-19 Essential Services

- Hotel workers
- Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans
- Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)
- Workers that provide services for or determine eligibility for public benefits such as subsidized health care, food and feeding programs, residential and congregate care programs, shelter, in-home supportive services, child welfare, juvenile justice programs, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
- Workers in sober homes
- Professional services (such as legal and accounting services) and payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities and critical sector services or where failure to provide such services during the time of the order would result in significant prejudice
- Commercial retail stores that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, and home appliance retailers
- Laundromats and laundry services
- Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
- Workers at places of worship

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains including personal protective equipment and hygiene products, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

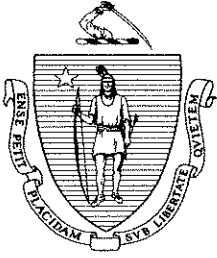
- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

If the function of your business is not listed above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business.

Requests by businesses to be designated an essential function should only be made if they are NOT covered by the guidance.

To request designation as an essential business, please click here:
<https://www.mass.gov/forms/essential-service-designation-request>

Any questions can be directed to covid19.biz@mass.gov.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING THE TEMPORARY CLOSING OF ALL
 NON-EMERGENCY CHILD CARE PROGRAMS**

COVID-19 Order 15

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, in response to the pandemic, on March 18, 2020, I issued an Order requiring all child care programs in the Commonwealth to suspend normal operations by the end of the day on March 22, 2020 and not to re-open before Monday, April 6, 2020, and further authorizing the Department of Early Education and Care to establish emergency child care programs;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 24, 2020, 1,159 cases of COVID-19 were reported by the Department of Public Health, including 11 deaths; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, over educational facilities that are supported in whole or in part by public funds, so as to extend those facilities’ benefits and availability, and over variances of the terms and conditions of licenses issued by the Commonwealth or any of its agencies;

NOW, THEREFORE, I hereby order the following:

All licensed, approved, or exempt child care programs in the Commonwealth shall not re-open for normal operations before Monday, May 4, 2020, unless authorized by the Department of Early Education and Care to continue operations as emergency programs. This directive supersedes the provision of the March 18, 2020 Order establishing an earlier date for re-opening.

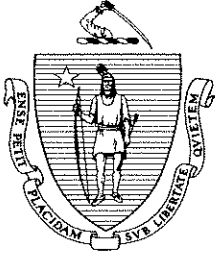
The Department of Public Health and the Department of Early Education and Care, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed. Violation of the terms of this Order may result in penalties pursuant to Section 8 of Chapter 639 of the Acts of 1950.

This Order is effective immediately and shall remain in effect until May 4, 2020 unless further extended.

Given in Boston at 3:13PM this 25th day of
March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING THE TEMPORARY CLOSURE OF ALL PUBLIC AND
 PRIVATE ELEMENTARY AND SECONDARY SCHOOLS**

COVID-19 Order 16

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, in response to the pandemic, on March 15, 2020, I issued an Order requiring all public and private elementary and secondary (K-12) schools in the Commonwealth to suspend normal, in-person instruction at the end of the school day on March 16, 2020 and not to re-open for normal operations before April 6, 2020;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 24, 2020, 1,159 cases of COVID-19 were reported by the Department of Public Health, including 11 deaths; and

WHEREAS, sections 7, 8, and 8A of chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons;

NOW, THEREFORE, I hereby order the following:

All public and private elementary and secondary (K-12) schools in the Commonwealth, excepting residential schools for special needs students, shall not re-open for normal operations

before Monday, May 4, 2020. This directive supersedes the provision of the March 15, 2020 Order establishing an earlier date for re-opening.

As provided in the March 23 Order regarding Essential Services, public schools are directed to continue efforts to maintain the operation of programs that provide take-out or delivery food services and other essential, non-educational services to students and families during the period in which this Order is in effect. Public schools are additionally directed to continue collaborative efforts to provide student access to alternative learning opportunities.

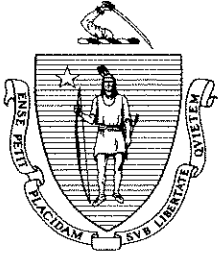
The Department of Public Health and the Department of Elementary and Secondary Education, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed. Violation of the terms of this Order may result in penalties pursuant to Section 8 of Chapter 639 of the Acts of 1950.

This Order is effective immediately and shall remain in effect until May 4, 2020 unless further extended.

Given in Boston at 3:15 PM this 25th day of
March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



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CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING THE CLOSING OF CERTAIN WORKPLACES
 AND THE PROHIBITION ON GATHERINGS OF MORE THAN 10 PEOPLE**

COVID-19 Order No. 21

Extending the Operation of COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 30, 2020, the Department of Public Health had reported 5,752 cases of COVID-19, including 56 deaths, with all counties in the Commonwealth impacted;

WHEREAS, the Department of Public Health continues to urge all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States with identifying critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, on March 23, 2020, I issued an Order that designated COVID-19 Essential Services, temporarily closed the bricks-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 28, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued updated guidance on the identification of critical infrastructure sectors during the COVID-19 Response;

WHEREAS, as Governor, I have identified additional services and functions that likewise are essential to promote the public health and welfare of the Commonwealth, and therefore it is imperative to ensure that workers providing critical services and functions in these State and Federally designated sectors may continue to work to ensure community resilience and continuity of response efforts; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

The provisions of the March 23, 2020 Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People ("COVID-19 Order No. 13") are hereby extended until May 4, 2020. Accordingly, all businesses and other organizations that do not provide COVID-19 Essential Services shall not re-open their bricks-and-mortar premises to workers, customers, or the public before May 4, 2020.

Gatherings of more than 10 people also remain prohibited until May 4, 2020.

Effective at 12:00 noon on April 1, 2020, Exhibit A of the previously issued COVID-19 Order No. 13 is hereby replaced with the attached, updated Exhibit A of even date with this Order to reflect the revised guidance of the Federal Cybersecurity and Infrastructure Security Agency and the additional services and functions that I, as Governor, have identified as essential to promote the public health and welfare of the Commonwealth.

The Commissioner of Public Health shall continue to issue guidance as necessary and subject to my approval to implement the terms of COVID-19 Order No. 13.

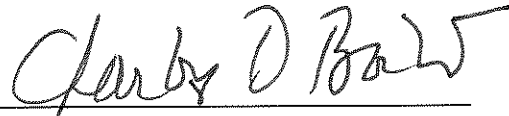
The Massachusetts Department of Transportation, in consultation with the Division of Capital and Asset Management and Maintenance, shall issue guidance and enforcement procedures for the safe operation of public works construction sites, consistent with the terms of Exhibit A of COVID-19 Order No. 13.

The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall continue to enforce the terms of COVID-19 Order No. 13 and implementing guidance issued under the authority of that Order as here amended.

In addition, I renew my directive to the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of COVID-19 Order No. 13 in the event she determines additional measures are required to ensure that its terms are observed.

This Order is effective immediately and shall remain in effect until May 4, 2020 unless further extended.

Given in Boston at 1:35 PM this 31st day
of March, two thousand and twenty

A handwritten signature in black ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR

Commonwealth of Massachusetts

COVID-19 ESSENTIAL SERVICES**EXHIBIT A OF THE ORDER OF THE GOVERNOR ASSURING CONTINUED OPERATION OF ESSENTIAL SERVICES IN THE COMMONWEALTH, CLOSING CERTAIN WORKPLACES AND PROHIBITING GATHERINGS OF MORE THAN 10 PEOPLE****As updated March 31, 2020**

Governor Charlie Baker's emergency order requiring that all businesses and organizations that do not provide "COVID-19 Essential Services" close their physical workplaces and facilities to workers, customers and the public will be extended until May 4. Businesses and organizations not on the list of essential services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by the order. This order also prohibits gatherings of more than 10 people until May 4th.

The Administration updated the "COVID-19 Essential Services" list today, which is based on federal guidance that was updated earlier this week. The new list will go into effect tomorrow, April 1, at noon. While these businesses are designated as essential, they are urged to follow social distancing protocols for workers in accordance with guidance from the Department of Public Health (DPH).

HEALTHCARE / PUBLIC HEALTH

- Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
- Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, other providers of mental and behavioral health care, peer support and recovery coach workers, personal care attendants, home health aides and home care workers, and diagnostic and therapeutic technicians and technologists.
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Medical Clinics, Community Mental Health Centers, Comprehensive Outpatient rehabilitation, Methadone/OBOT Clinics, 24 hour Diversionary and Residential Behavioral Health Providers, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Rest Homes, Assisted Living Residences, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Residential Treatment Schools, Rural Health Clinics and Federally Qualified Health Centers, State Hospitals, licensed medical marijuana retailers, and retail facilities specializing in medical good and supplies).
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, and medical devices, diagnostics, equipment and services) (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines,

COVID-19 Essential Services

testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers who manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers performing information technology and cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Pharmacy employees necessary to maintain uninterrupted prescription filling.
- Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including at funeral homes, crematoriums, cemeteries, and coffin makers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- 911 call center employees (including telecommunicators, dispatchers and managers) and Public Safety Answering Points and other police communication facilities who can't perform their duties remotely.
- Fusion Center employees.
- Workers – including contracted vendors -- who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations (to include electronic security and life safety security personnel).
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responders.
- Workers supporting the operation of firearm or ammunition product manufacturers, importers, and distributors.
- Public agency workers responding to abuse and neglect of children, elders, and dependent adults.
- Workers who support weather disaster / natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, farmers markets and farm stands, nurseries, greenhouses, garden centers, and agriculture supply stores, and other retail

COVID-19 Essential Services

(including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products (including liquor stores), including retail customer support service and information technology support staff necessary for online orders, pickup and delivery.

- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm workers, and agribusiness support services to include those employed in auction and sales: grain and oilseed handling, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically and for export.
- Farmers, farm workers, support service workers, and their supplier employees to include those engaged in producing and harvesting field crops; commodity inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor- managed inventory controllers and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Employees in cafeterias used to feed employees, particularly employee populations sheltered against COVID-19.
- Food service workers in residential schools with students who are unable to leave campus
- Workers in animal diagnostic and food testing laboratories in private industries and in institutions of higher education.
- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school breakfast and lunch programs) and government payments.
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.
- Organizations and workers responsible for the care and custody of animals, pets and livestock

ENERGY

COVID-19 Essential Services

- Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.
- Energy/commodity trading/scheduling/marketing functions, who can't perform their duties remotely.
- IT and OT technology for essential energy sector operations including support workers, customer service operations; energy management systems, control systems, and Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
- Workers supporting the energy sector through renewable energy infrastructure or energy efficiency projects (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Providing services related to energy sector fuels (including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.
- Environmental remediation/monitoring, limited to immediate critical needs technicians.
- Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).

Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the reliable development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians- who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation, permitting, operation/maintenance and monitoring at coal sites which is critical to ensuring the reliability of the electrical system.
- Workers who produce, process, ship and handle coal used for power generation and manufacturing.
- Workers needed for safe and secure operations at nuclear generation to include but not limited to, the broader nuclear supply chain, parts to maintain nuclear equipment, fuel manufacturers and fuel components used in the manufacturing of fuel.
- Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and local distribution control centers.
- Mutual assistance personnel which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.

COVID-19 Essential Services

- Environmental remediation/monitoring workers limited to immediate critical needs technicians.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers such as diesel engineers used in power generation including those providing fuel.

Petroleum industry:

- Workers for onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers for crude oil, petroleum and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities and racks and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center employees and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms/centers and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

Natural Gas, Natural Gas Liquids (NGL), Propane, and other liquid fuels:

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Transmission and distribution pipeline workers, including compressor stations and any other required, operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Natural gas, propane, natural gas liquids, and other liquid fuel processing plants, including construction, maintenance, and support operations.
- Natural gas processing plants workers, and those that deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms/centers, and emergency response and customer emergencies (including leak calls) operations.
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
- Dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.
- Propane gas service maintenance and restoration, including call centers.
- Propane, natural gas liquids, and other liquid fuel distribution centers.
- Propane gas storage, transmission, and distribution centers.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

COVID-19 Essential Services

- Ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation/maintenance, and monitoring of support for resources.

Steam workers:

- Workers who support steam distribution companies' provision of district heating and any electric generation
- Workers who support steam distribution companies' dispatch and control rooms and emergency response and customer emergencies, including steam leak calls
- Workers who support steam distribution companies' service maintenance and restoration, including call centers
- Workers who support steam distribution companies' storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain public and private drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities.
- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical and equipment suppliers to water and wastewater systems and personnel protection.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, Registry of Motor Vehicle (RMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy
- Workers, including contracted vendors, engaged in the maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use. Includes cold- and frozen-chain logistics for food and critical biologic products.

COVID-19 Essential Services

- Mass transit, freight and passenger rail workers, including contracted vendors, providing transit services and/or performing critical or routine maintenance to rail or mass transit infrastructure or equipment.
- Employees supporting personal and commercial transportation services – including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers responsible for operating and dispatching passenger, commuter and freight trains public transportation and buses and maintaining rail and transit infrastructure and equipment.
- Maritime transportation workers, including dredgers, port workers, mariners, ship crewmembers, ship pilots and tug boat operators, equipment operators (to include maintenance and repair, and maritime-specific medical providers), ship supply, chandler, and repair companies.
- Workers including truck drivers, railroad employees and contractors, maintenance crew, and cleaners supporting transportation of chemicals, hazardous, medical, and waste materials to support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter and charter bus service in support of other essential services or functions.
- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Workers who respond to and clear traffic crashes, including contracted vendors and dispatchers
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Postal, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies.
- Workers who support moving and storage services
- Employees who repair and maintain motor vehicles, subway and rail vehicles, rolling stock, buses, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations.
- Workers, including contracted vendors, who support the operation, distribution, maintenance, and sanitation, of air transportation for cargo and passengers, including flight crews, maintenance, airport operations, those responsible for cleaning and disinfection, and other on- and off- airport facilities workers.
- Workers supporting transportation via inland waterways such as barge crew, dredging, river port workers for essential goods.
- Workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.
- Warehouse operators, including vendors and support personnel critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.

PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

COVID-19 Essential Services

- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste, recycling, and hazardous waste, including landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
- Workers who support the inspection and maintenance of aids to navigation, and other government provided services that ensure continued maritime commerce.
- Licensed site clean-up professionals and other workers addressing hazardous spills, waste sites, and remediation.
- Workers who support the operation, maintenance and public safety of parks, forests, reservations, conservation restrictions, wildlife management areas, water supply protection lands, and other critical natural resources and open space for passive recreation.
- Workers who support storm clean-up operations (e.g., foresters).

COMMUNICATIONS AND INFORMATION TECHNOLOGY**Communications:**

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call -centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector employees (including government contractors) with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots and submarine cable ship facilities.
- Government and private sector employees (including government contractors) supporting Department of Defense internet and communications facilities.
- Workers who support radio, television, newspaper and media service, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news.
- Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance and repair technicians that establish, support or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, critical support personnel assisting front line employees.
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring and life safety services, and to ensure physical security, cleanliness and safety of facilities and personnel, including temporary licensing waivers for security personnel to work in other States or Municipalities.

COVID-19 Essential Services

- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and addressing customer issues in order to support individuals' remote emergency communications needs, supply chain and logistics personnel to ensure goods and products are on-boarded to provision these front-line employees.
- External Affairs personnel to assist in coordinating with local, state and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Centers and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators, for all industries (including financial services).
- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, and information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, securities/other exchanges, other entities that support the functioning of capital markets, public works, critical manufacturing, food & agricultural production, transportation, and other critical infrastructure categories and personnel, in addition to all cyber defense workers (who can't perform their duties remotely).
- Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.
- Workers supporting communications systems and information technology- and work from home solutions- used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food & agricultural production, financial services, education, and other critical industries and businesses.
- Employees required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

OTHER COMMUNITY- , EDUCATION- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.

COVID-19 Essential Services

- Local and state inspectors and administrative support of inspection services who are responsible for the inspection of elevators, escalators, lifts, buildings, plumbing and gas fitting, electrical work, and other safety related professional work
- Elections personnel to include both public and private sector elections support.
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Employees necessary to maintain news and media operations across various media.
- Employees supporting Census 2020.
- Weather forecasters.
- Workers at places of worship
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers including holders of Commercial Drivers Licenses.
- Workers who are critical to facilitating trade in support of the national, state and local emergency response supply chain.
- Educators and staff supporting emergency childcare programs and residential schools for students with severe disabilities, and public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, provision of school meals and other essential student support functions, and essential administrative functions necessary to maintain continuity of operations.
- Scientific researchers in higher education completing in-process research to ensure health and safety and to prevent the loss of essential data
- Workers who support the design, production and distribution of educational materials or technologies for the use of educators or students in distance learning during the state of emergency
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.
- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID-19 relief efforts.
- Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans
- Workers that provide services for or determine eligibility for public benefits such as subsidized health care, food and feeding programs, residential and congregate care programs, shelter, in-home supportive services, child welfare, juvenile justice programs, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
- Workers in sober homes
- Professional services (such as legal, accounting and tax preparation) and payroll and employee benefit services when necessary to assist in compliance with legally mandated activities and critical sector services or where failure to provide such services during the time of the order would result in significant prejudice
- Commercial retail stores that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, and home appliance retailers

COVID-19 Essential Services

- Workers and instructors supporting academies or training facilities and courses or assessments for the purpose of graduating or certifying, during the duration of the state of emergency, healthcare personnel, cadets, and other workers who are critical to the ongoing response to COVID-19

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or datacenters).

HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production), testing operations (laboratories processing test kits), and energy (nuclear facilities) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing tests Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

FINANCIAL SERVICES

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities).
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers).

COVID-19 Essential Services

- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential.
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals include, but are not limited to, space and aerospace; mechanical and software engineers (various disciplines), manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers; and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense, as well as personnel at government-owned/contractor-operated and government-owned/government-operated facilities, and who provide materials and services to the Department of Defense, including support for weapon systems, software systems and cybersecurity, defense and intelligence communications and surveillance, space systems and other activities in support of our military, intelligence and space forces.

COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.

COVID-19 Essential Services

- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers in dependent care services, in support of workers in other essential products and services.
- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders (including travelling medical staff).
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties and RV facilities to provide individuals and families with ready access to available housing.
- Workers at hotels, motels, inns, and other lodgings providing overnight accommodation, but only to the degree those lodgings are offered or provided to accommodate the COVID-19 Essential Workforce, other workers responding to the COVID-19 public health emergency, and vulnerable populations
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.

HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods repair and maintenance.
- Workers providing disinfection services, for all essential facilities and modes of transportation, and supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

CONSTRUCTION-RELATED ACTIVITIES

- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, health care facilities, senior living facilities, and any temporary construction required to support COVID-19 response.
- Workers – including contracted vendors - who support the operation, inspection, maintenance and repair of essential public works facilities and operations, including roads and bridges, water and sewer, laboratories, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, and

COVID-19 Essential Services

maintenance of digital systems infrastructure supporting public works operations. Critical or strategic infrastructure includes public works construction including construction of public schools, colleges and universities and construction of state facilities, including leased space, managed by the Division of Capital Asset Management; airport operations; water and sewer; gas, electrical, nuclear, oil refining and other critical energy services; roads and highways; public transportation; steam; solid waste and recycling collection and removal; and internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)

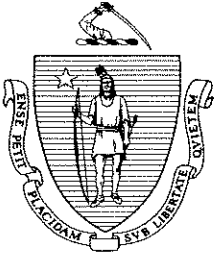
- Workers who support infrastructure, such as by road and line clearing and utility relocation, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Workers performing housing construction related activities, including construction of mixed-use projects that include housing, to ensure additional units can be made available to combat the Commonwealth's existing housing supply shortage.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, including allowing qualified private third-party inspections accountable to government agencies).

If the function of your business is not listed above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business.

Requests by businesses to be designated an essential function should only be made if they are NOT covered by the guidance.

To request designation as an essential business, please click here:
<https://www.mass.gov/forms/essential-service-designation-request>

Any questions can be directed to covid19.biz@mass.gov.



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CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER LIMITING ACCESS TO AND USE OF STATE BEACHES

COVID-19 Order No. 22

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of April 1, 2020, the Department of Public Health had reported 7,738 confirmed cases of COVID-19, including 122 deaths, with counties across the Commonwealth affected;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over the policing of public and private property, transportation or travel by any means or mode, and assemblages and pedestrian travel in order to protect the safety of persons;

NOW, THEREFORE, I hereby order the following:

All public parking facilities and spaces at State beaches shall be closed to the public as of 12:00 noon on April 3, 2020 and shall remain closed until the state of emergency is terminated, except as expressly permitted in accordance with Guidance issued by the Department of

Conservation and Recreation (“DCR”). All DCR coastal parkways and other roads that provide direct access to State beaches shall also be closed to parking and dropping of passengers and otherwise restricted as far as is practicable, provided that such closure or restriction does not create a public safety risk, or prohibit through traffic, or prevent access to residences or other property where there is no other means of access available to a public way.

For the purposes of this Order, the term “State beaches” shall include all coastal beaches and coastal reservations maintained by DCR and associated parking facilities and spaces.

State beaches shall otherwise remain open to the public, but only for passive recreational activities and enjoyment that involve transitory movement and for solitary beach fishing. Sitting, sunbathing, and other stationary recreational activities are prohibited on State beaches. Additionally, athletic and recreational activities that bring participants into close, physical contact are prohibited on State beaches as they are throughout the Commonwealth pursuant to COVID-19 Order No. 13.

The Commissioner of the Department of Conservation and Recreation is directed to issue guidance (“DCR Guidance”), subject to my approval, to implement the terms of this Order.

The Massachusetts Environmental Police, State Police, and Department of Conservation and Recreation shall enforce this Order and if necessary may do so with the assistance of municipal police. Violation of the terms of this Order or the DCR Guidance may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950 or pursuant to G. L. c. 266, § 123, or a civil fine pursuant to G. L. c. 92, § 37 or c. 132A, § 7. A criminal complaint for violation of this Order or the DCR Guidance shall be filed in the district court with jurisdiction for the municipality in which the violation has been charged.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is terminated, whichever happens first.

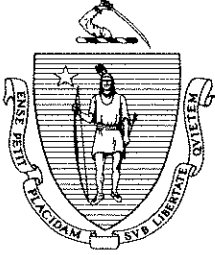
Given in Boston at 10:24 AM this 2nd day of April, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING THE TEMPORARY CLOSING OF ALL
 NON-EMERGENCY CHILD CARE PROGRAMS**

COVID-19 Order No. 27

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, in response to the pandemic, on March 18, 2020, I issued an Order requiring all child care programs in the Commonwealth to suspend normal operations by the end of the day on March 22, 2020, and not to re-open for normal operations before Monday, April 6, 2020, and further authorizing the Department of Early Education and Care to establish emergency child care programs;

WHEREAS, on March 25, 2020, I issued an Order extending the closure of child care programs for normal operations and providing that such programs would not be permitted to re-open before May 4, 2020, with the exception of those authorized by the Department of Early Education and Care to continue operation as emergency programs;

WHEREAS, the number of confirmed cases of COVID-19 continues to rise dramatically in the Commonwealth. As of April 20, 2020, the Department of Public Health had reported 39,643 cases of COVID-19, including 1,809 deaths, with all counties across the Commonwealth affected;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority

over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages to protect the health and safety of persons, over educational facilities that are supported in whole or in part by public funds, and over variances of the terms and conditions of licenses issued by the Commonwealth or any of its agencies;

NOW, THEREFORE, I hereby Order the following:

All licensed, approved, or exempt child care programs in the Commonwealth shall remain closed and shall not re-open for normal operations before Monday, June 29, 2020, unless specifically authorized by the Department of Early Education and Care to continue operations as emergency programs. This directive supersedes the provision of the March 25, 2020 Order establishing an earlier date for re-opening.

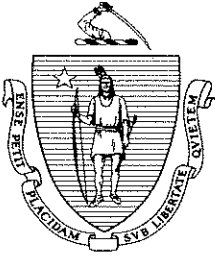
The Department of Public Health and the Department of Early Education and Care, along with any board of health or authorized agent pursuant to G.L. c. 111, § 30, shall enforce this Order. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G.L. c. 17, § 2A to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed. Violation of the terms of this Order may result in penalties pursuant to Section 8 of Chapter 639 of the Acts of 1950.

This Order is effective immediately and shall remain in effect until rescinded or further extended.

Given in Boston at 11:15 AM this 21st day
of April, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING THE TEMPORARY CLOSURE OF ALL PUBLIC AND
 PRIVATE ELEMENTARY AND SECONDARY SCHOOLS**

COVID-19 Order No. 28

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, in response to the pandemic, on March 15, 2020, I issued an Order requiring all public and private elementary and secondary (K-12) schools in the Commonwealth to suspend normal, in-person instruction at the end of the school day on March 16, 2020, and not to re-open for normal operations before April 6, 2020;

WHEREAS, on March 25, 2020, I issued an Order extending the closure of all public and private elementary and secondary (K-12) schools for normal, in-person instruction and providing that K-12 schools would not be permitted to re-open for normal operations before May 4, 2020;

WHEREAS, the number of confirmed cases of COVID-19 continues to rise dramatically in the Commonwealth. As of April 20, 2020, the Department of Public Health had reported 39,643 cases of COVID-19, including 1,809 deaths, with all counties across the Commonwealth affected;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but

not limited to authority over vocational or other educational facilities supported in whole or in part by public funds, and over assemblages to protect the health and safety of persons;

NOW, THEREFORE, I hereby Order the following:

All public and private elementary and secondary (K-12) schools in the Commonwealth, excepting residential schools for special needs students, shall remain closed for normal, in-person instruction and shall not re-open for normal operations prior to June 29, 2020. This directive supersedes the provision of the March 25, 2020 Order establishing an earlier date for re-opening.


Public and private elementary and secondary (K-12) schools may not begin in-person summer learning programs before June 29, 2020, unless specifically granted permission by the Department of Elementary and Secondary Education, acting in consultation with the Department of Public Health.

As provided in the March 15 and March 25, 2020 Orders, public schools are directed to continue efforts to maintain the operation of programs that provide take-out or delivery food services and other essential, non-educational services to students and families during the period in which this Order is in effect. Public schools are additionally directed to continue collaborative efforts to provide student access to alternative learning opportunities.

The Department of Public Health and the Department of Elementary and Secondary Education, along with any board of health or authorized agent pursuant to G.L. c. 111, § 30, shall enforce this Order. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G.L. c. 17, § 2A to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed. Violation of the terms of this Order may result in penalties pursuant to Section 8 of Chapter 639 of the Acts of 1950.

This Order is effective immediately and shall remain in effect until rescinded or further extended.

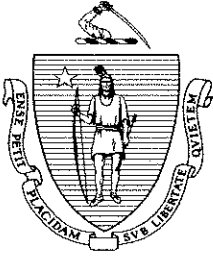
Given in Boston at 11:11 AM this 21st day
of April, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER FURTHER EXTENDING THE CLOSING OF CERTAIN WORKPLACES
 AND THE PROHIBITION ON GATHERINGS OF MORE THAN 10 PEOPLE**

COVID-19 Order No. 30

Further Extending the Operation of COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States in identifying critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, on March 23, 2020, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the bricks-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, I issued COVID-19 Order No. 21, which amended the earlier issued list of COVID-19 Essential Services and extended the operation of COVID-19 Order No. 13;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of April 27, 2020, the Department of Public Health

had reported 56,462 cases of COVID-19, including 3,003 deaths, with all counties in the Commonwealth affected;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where the virus may be transmitted;

WHEREAS, the Department of Public Health accordingly continues to urge all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

The provisions of the March 23, 2020 Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People ("COVID-19 Order No. 13") are hereby extended until May 18, 2020. Accordingly, all businesses and other organizations that do not provide COVID-19 Essential Services shall not re-open their bricks-and-mortar premises to workers, customers, or the public before May 18, 2020.

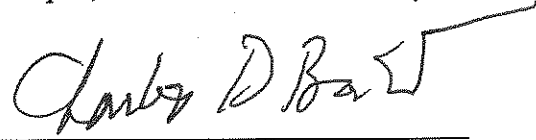
Gatherings of more than 10 people also remain prohibited until May 18, 2020.

The Commissioner of Public Health shall continue to issue guidance as necessary and subject to my approval to implement the terms of COVID-19 Order No. 13.

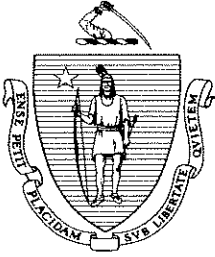
The provisions of COVID-19 Order No. 21 that extended the operation of COVID-19 Order No. 13 until May 4, 2020 are hereby rescinded and superseded by this Order. Exhibit A to COVID-19 Order No. 13, as amended by COVID-19 Order No. 21, remains effective and is unchanged by this Order.

This Order is effective immediately and shall remain in effect until May 18, 2020 unless further extended.

Given in Boston at 11:30 AM this 28th day
of April, two thousand and twenty

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER TEMPORARILY EXTENDING COVID-19 ORDER NO. 13

COVID-19 Order No. 32

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the bricks-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020 and April 28, 2020, I issued COVID-19 Orders No. 21 and 30, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, recent public health data indicate sustained improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis;

WHEREAS, the improving public health data permits a carefully phased relaxation of the restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations,

provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 14, 2020, 2,859 persons remain hospitalized in the Commonwealth as a result of COVID-19, with 781 of those in intensive care units;

WHEREAS, in order to execute a measured relaxation of currently existing restrictions it is necessary to extend the operation of certain provisions of Order No. 13 as other limitations of the Order are progressively removed; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

COVID-19 Order No. 13 is hereby extended to, and shall expire at, 12:00 A.M. on May 19, 2020. The provisions of COVID-19 Order No. 30, which extended the operation of COVID-19 Order No. 13 until May 18, 2020, are hereby rescinded and superseded by this Order. On May 18, I will issue an Order modifying in part and further extending in part the application of COVID-19 Order No. 13.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is terminated, whichever occurs first.

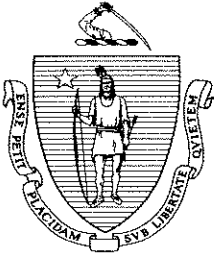
Given in Boston at 7:05 PM this 15th day of
May, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER IMPLEMENTING A PHASED REOPENING OF
 WORKPLACES AND IMPOSING WORKPLACE SAFETY
 MEASURES TO ADDRESS COVID-19**

COVID-19 Order No. 33

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, recent public health data indicate improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis;

WHEREAS, the improving public health data permits a carefully phased relaxation of certain restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 17, 2020, 2,597 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 702 of these patients are receiving treatment in intensive care units;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

1. Phase I Opening of Businesses and Other Organizations

Beginning on the dates specified below, businesses and other organizations that are included within the Phase I categories below are permitted to operate from their physical workplaces and facilities ("brick-and-mortar premises") and may open those premises to workers, customers, and the public provided they comply with all workplace safety rules and standards issued or maintained pursuant to Section 2 and all other terms of this Order.

Beginning May 18, 2020

- A. COVID-19 Essential Services: businesses and other organizations providing products and services identified as "COVID-19 Essential Services" in Exhibit A to COVID-19 Order No. 13 (as amended March 31, 2020)
- B. Manufacturing: businesses and other organizations engaged in the making, altering, repairing, finishing, or adapting for sale any article or part
- C. Construction
- D. Places of Worship: churches, temples, mosques, and other places of worship
- E. Firearms retailers and shooting ranges

Beginning May 25, 2020

- F. General Use Offices: businesses and other organizations operating within general use office spaces, provided that such offices located within the limits of the City of Boston shall not be open before June 1, 2020
- G. Car Washes
- H. Hair Salons and Barber Shops
- I. Pet Groomers
- J. Drive-In Movie Theaters
- K. Laboratories: businesses and other organizations operating within facilities equipped and used for scientific experiments, research, or for the manufacture of drugs or chemicals or similar products
- L. Certain Outdoor Recreational Facilities and Activities as specified in Attachment 1

As of the dates indicated above, businesses and other organizations included within categories B-L above are no longer subject to the restrictions imposed by COVID-19 Order No. 13.

Businesses and other organizations not included within categories A-L above remain subject to the restrictions imposed by COVID-19 Order No. 13.

2. Adoption of Workplace Safety Rules

General Workplace Safety Rules: All businesses and other organizations in the Commonwealth that are permitted to operate brick-and-mortar premises must immediately adopt and maintain the following generally applicable COVID-19 workplace safety rules.

Social Distancing	<ul style="list-style-type: none"> • All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces • Establish protocols to ensure that employees can practice adequate social distancing • Provide signage for safe social distancing • Require face coverings or masks for all employees
Hygiene Protocols	<ul style="list-style-type: none"> • Provide hand-washing capabilities throughout the workplace • Ensure frequent hand washing by employees and adequate supplies to do so • Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site
Staffing and Operations	<ul style="list-style-type: none"> • Provide training for employees regarding the social distancing and hygiene protocols • Employees who are displaying COVID-19-like symptoms do not report to work • Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
Cleaning and Disinfecting	<ul style="list-style-type: none"> • Establish and maintain cleaning protocols specific to the business • When an active employee is diagnosed with COVID-19, cleaning and disinfecting must be performed

	<ul style="list-style-type: none"> • Disinfection of all common surfaces must take place at intervals appropriate to said workplace
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The Director of the Department of Labor Standards (“DLS”) is hereby directed to post on the Department’s publicly accessible website a directive implementing these generally applicable COVID-19 workplace safety rules for all workplaces subject to this Order.

Sector-Specific Rules: The Director of Labor Standards, in consultation with the Commissioner of Public Health and subject to my approval, shall in addition issue COVID-19 workplace safety rules for certain, specific workplace sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific workplace sectors. Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth. Businesses and other organizations shall adopt and comply with all Sector-Specific Rules applicable to their workplace.

Phase I Sector-Specific Requirements: The Director of Labor Standards is directed immediately to issue detailed Sector-Specific Rules for the following workplace sectors:

- Manufacturing
- Construction
- Places of Worship
- General Use Offices
- Car Washes
- Hair Salons and Barber Shops
- Pet Groomers
- Laboratories

Earlier Issued DPH Sector-Specific Orders: The Commissioner of Public Health, at my direction, has previously issued orders and mandatory guidance implementing detailed, sector-specific COVID-19 workplace safety standards for the workplaces indicated below that have been designated as Essential Services pursuant to COVID-19 Order No. 13. These previously issued orders and mandatory guidance, as they may be subsequently amended by the Commissioner, shall continue to apply to these businesses and organizations under the terms of this Order.

- Grocery Stores and Pharmacies
- Nurseries, Greenhouses, Garden Centers, and Agricultural Supply Stores
- Farmer’s Markets, Farm Stands, and Community-Supported Agriculture Programs (CSAs)

Otherwise Applicable Health and Safety Standards: These generally applicable COVID-19 workplace safety rules and any Sector-Specific Rules shall supplement and, except as

provided in Section 6 below, shall not displace otherwise applicable health and safety rules issued by any Federal, State, or Local authority acting within the scope of its lawful authority.

3. Compliance and Self-Certification

Newly Opened Workplaces: Businesses and other organizations that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to certify compliance with all applicable general and applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a business or other organization not previously authorized to operate as COVID-19 Essential Service pursuant to COVID-19 Order No. 13 shall be required to implement the following measures:

- a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace
- b. Complete the required self-certification to verify compliance with all general and specific rules and make the self-certification available for inspection upon a request by State or Local authorities
- c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

The Director of Labor Standards shall establish the procedures and publish the forms of self-certification and public notice required to comply with these provisions.

Re-starting Construction Projects: In addition, before any construction project that is inactive as of May 17, 2020 re-opens pursuant to this Order, the general contractor shall:

- a. Ensure that all municipal permits are in place
- b. Satisfy all conditions that appear in the Sector-Specific Rules for Construction; and
- c. For all projects that do not involve construction or remodeling in 1 to 3 unit residences involving 5 or fewer workers, notify the City or Town in which the project is located of the date that construction will re-start and meet any City or Town requirements necessary to confirm that the project satisfies all of the conditions that appear in the Sector-Specific Rules for Construction.

COVID-19 Essential Services: A business or other organization that has prior to the issuance of this Order been authorized to remain open to workers, customers, and the public as a “COVID-19 Essential Service” shall have until May 25, 2020 to comply with and certify its compliance with any COVID-19 workplace safety rule issued pursuant to this Order or with the public notice provisions specified above.

Such businesses and other organizations shall, in any event, immediately undertake best efforts to comply with the generally applicable COVID-19 workplace safety rules adopted in Section 2 of this Order.

4. Limitations on Gatherings

A business or other organization that is authorized to open its brick-and-mortar premises to workers, customers, and the public under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises; provided, however, that such businesses and other organizations must comply with the general social distancing requirements and any more specific limitations on gatherings and meeting sizes established pursuant to the provisions of Section 2 of this Order.

Section 3 of COVID-19 Order No. 13 shall otherwise remain in effect.

5. Limited Operations by Retail Stores not providing Essential Services

Retail stores that do not provide Essential Services as defined in COVID-19 Order No. 13 (and Exhibit A to the Order) are not included in the Phase I Opening and may not open their brick-and-mortar premises. These retail businesses may, however, continue to provide limited remote fulfillment in accordance with guidance issued by the Executive Office of Housing and Economic Development, provided that they adopt and maintain the generally applicable COVID-19 workplace safety rules in Section 2. (Guidance available at <https://www.mass.gov/info-details/covid-19-essential-services-faqs#general-questions---essential-services-related->)

Additionally, I hereby direct the Executive Office of Housing and Economic Development to issue supplemental guidance specifying methods by which retail businesses may permissibly expand their current limited remote fulfillment operations to accommodate customer curbside pick-up. This guidance shall permit retail business customer curbside pick-up transactions beginning May 25, 2020.

6. Enforcement and Authority

The Department of Labor Standards, in consultation with the Department of Public Health (“DPH”), shall have general authority to promulgate directives, regulations, and guidance to implement and enforce the COVID-19 workplace safety rules established or authorized under this Order.

DPH shall have specific authority to promulgate directives, regulations, and guidance to implement and enforce the terms of this Order as it applies to businesses, organizations, and workplaces subject to the sanitary code established pursuant to section 127A of chapter 111 of the General Laws and where DPH otherwise has existing regulatory authority.

A municipal board of health or authorized agent pursuant to G. L. c. 111, § 30 shall have concurrent authority with DLS and DPH to enforce the terms of this Order and any directives, regulations, or guidance issued by DLS and DPH under the authority of this Order.

This Order is intended to establish a uniform set of COVID-19 workplace safety rules for all businesses and other organizations operating brick-and-mortar premises across the Commonwealth. No municipal or other local authority should adopt or enforce any workplace

health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in this Order or under the implementing directives, regulations, and guidance issued by DLS or DPH under the authority granted by this Order. DLS, DPH, and each municipal or local authority shall uniformly apply any enforceable COVID-19 workplace safety rule.

Violation of the terms of this Order or any directives, regulations, or guidance issued by DLS or DPH pursuant to this Order may result in a civil fine of up to \$300 per violation. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order or any directives, regulations, or guidance issued on its authority may be filed in the district court or other any court of competent jurisdiction for the municipality in which the violation has been charged.

In issuing directives, regulations, or guidance under the terms of this Order, (a) the Director of Labor Standards shall act under the authority G. L. c. 149, §§ 6 & 6½; and (b) the Commissioner of Public Health shall act under the authority of G. L. c. 17, § 2A and G. L. c. 111, §§ 6 & 127A, insofar as those statutes are consistent with the provisions of this Order and authority is available thereunder. The Director of Labor Standards and the Commissioner of Public Health may issue regulations implementing the terms of this Order pursuant to the processes generally provided in G. L. c. 30A, §§ 2-6.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

7. Exceptions

This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or provider licensed by the Department of Public Health
- d. Any of the following workplaces or facilities with specialized functions and populations, provided that DPH shall in each case consult with the responsible authority and provide COVID-19 health and safety guidance as needed:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff

- Facilities operated or licensed by the Department of Mental Health or the Department of Developmental Services
- And any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

COVID-19 Order No. 32 is hereby rescinded.

COVID-19 Order No. 13 as modified by this Order is hereby extended and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 9:50 AM this 18th
day of May, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Attachment 1 to COVID-19 Order No. 33

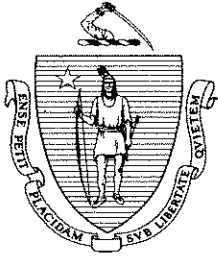
Defining Certain Outdoor Recreational Activities and Facilities
included in the Phase I Opening

“Certain Outdoor Recreational Activities and Facilities” means the following:

- a. **campgrounds**; provided, however, that individual campsites, including campsites with cabins and campsites for self-contained recreational vehicles, be occupied and used only by single household groups, and provided further that all common areas, excluding restrooms, remain closed
- b. **recreational boating facilities**, solely for the purpose of enabling recreational boating, including rowing and sailing facilities, yacht clubs, boat clubs, and boat rentals; provided, however, that the occupants of a vessel be limited to a single household group and that no more than 10 people are aboard a single vessel at any one time
- c. **for hire and charter fishing**; provided, however, that no more than 10 people, including any captain and crew, are aboard a single vessel at any one time
- d. **white water rafting**; provided, however, that the occupants of a raft or kayak be limited to a single household group and, if applicable, a guide
- e. **zoos, botanical gardens, nature centers, and outdoor wildlife reserves**; provided, however, that buildings, other than restrooms, remain closed to the public; and provided, further that admission be capped at not more than 20% of overall outdoor capacity
- f. **businesses providing outdoor recreational experiences and educational activities**, including ski area summer activities, alpine slides, zip-lines, horse riding schools and stables, mountain biking, and archery ranges



May 18, 2020



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXPANDING ACCESS TO AND USE OF STATE BEACHES AND
 ADDRESSING OTHER OUTDOOR RECREATIONAL ACTIVITIES**

COVID-19 Order No. 34

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

WHEREAS, on April 2, 2020, in order to limit all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 22, which closed public parking spaces and facilities at State beaches, prohibited parking on Department of Conservation and Recreation (“DCR”) coastal parkways and roads that provide direct access to State beaches, and limited activities permitted on State beaches to only passive recreational activities and enjoyment that involve transitory movement or solitary beach fishing;

WHEREAS, recent public health data indicate improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis;

WHEREAS, the improving public health data permits a carefully phased relaxation of the restrictions that COVID-19 Order No. 22 has placed on access to State beaches, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 17, 2020, 2,597 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 702 of these patients are receiving treatment in intensive care units;

WHEREAS, the Commonwealth has expended significant financial resources to protect and enhance its public spaces, and natural recreational resources, and those public spaces and resources are particularly valuable to Massachusetts residents as we begin a phased re-opening of the Commonwealth;

WHEREAS, on May 18, 2020 I issued an Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19 (COVID-19 Order No. 33), which requires all businesses and other organizations in the Commonwealth that are permitted to operate brick-and-mortar premises to adopt and maintain generally applicable COVID-19 workplace safety rules; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

COVID-19 Order No. 22 is hereby rescinded effective as of 6:00 A.M. on May 25, 2020.

As of 6:00 A.M. on May 25, 2020, State beaches shall be open to the public for passive recreational activities and enjoyment and for beach fishing, subject to any rules issued by the Commissioner of the Department of Conservation and Recreation (“DCR”). Permitted passive recreational activities include sitting, sunbathing, and picnicking, subject to compliance with appropriate social distancing practices. Water sport activities that do not bring participants into close, physical contact or involve sharing equipment are also permitted, provided participants practice adequate social distancing (e.g., swimming, surfing, body boards). Organized ball games remain prohibited on State beaches.

Effective immediately, DCR may begin reopening public parking facilities and spaces at State beaches that have been closed, and may continue to manage or restrict public parking at

State beaches as necessary to limit beach capacity to combat crowd density on State beaches and to accommodate adequate social distancing and as otherwise necessary or appropriate.

For the purposes of this Order, the term “State beaches” shall include all inland and coastal beaches and reservations maintained by DCR and associated parking facilities and spaces.

The Commissioner of DCR may issue rules for users of State beaches, subject to my approval, to implement the terms of this Order.

The Secretary of the Executive Office of Energy and Environmental Affairs is directed to provide guidance on implementing the COVID-19 workplace safety standards to managers of public and private beaches not under the control of DCR in order to protect managers, workers, and visitors to beaches in the Commonwealth.

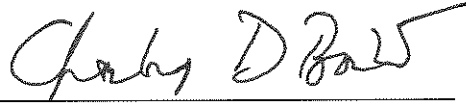
The Secretary is also directed to issue guidance for the implementation of the generally applicable COVID-19 workplace standards by operators of and participants in outdoor recreational activities.

The Secretary is further authorized to take reasonable measures to ensure that residents of the Commonwealth are afforded the highest priority to access and enjoyment of the recreational resources managed by the Executive Office of Energy and Environmental Affairs and its departments and divisions.

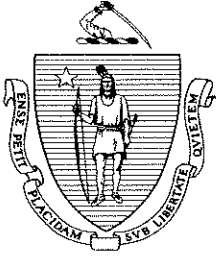
The Massachusetts Environmental Police, State Police, and Department of Conservation and Recreation shall enforce this Order and if necessary may do so with the assistance of municipal police. Violation of the terms of this Order or rules issued by the DCR Commissioner to implement this Order may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950 or pursuant to G. L. c. 266, § 123, or a civil fine pursuant to G. L. c. 92, § 37 or c. 132A, § 7. A complaint for violation of this Order or rules issued by the DCR Commissioner to implement this Order shall be filed in the district court with jurisdiction for the municipality in which the violation has been charged.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is terminated, whichever happens first.

Given in Boston at 9:10 AM this 18th day of
May, two thousand and twenty

A handwritten signature in cursive script, appearing to read "Charles D. Baker".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER CLARIFYING THE PROGRESSION OF THE COMMONWEALTH'S
 PHASED WORKPLACE RE-OPENING PLAN AND AUTHORIZING
 CERTAIN RE-OPENING PREPARATIONS AT PHASE II WORKPLACES**

COVID-19 Order No. 35

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

WHEREAS, on May 18, 2020, I issued COVID-19 Order No. 33, which authorized the re-opening of certain brick-and-mortar premises designated as "Phase I" workplaces ("Phase I enterprises"), subject to the requirement that all such workplaces comply with workplace safety rules and standards implemented to protect against the risk of the COVID-19 virus and which otherwise further extended the period in which COVID-19 Order No. 13 will continue to restrict the operations of businesses and organizations that do not provide Essential Services or that have not been designated as Phase I workplaces;

WHEREAS, a sustained trend of improvement in public health data will permit a continuing, carefully phased relaxation of certain restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 31, 2020, 1,824 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 436 of these patients are receiving treatment in intensive care units;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

1. Advance Preparations by Phase II Enterprises

Beginning immediately, businesses and other organizations that are included within Phase II of the re-opening plan, as defined in Section 2 below, may open their physical workplaces and facilities ("brick-and-mortar premises") to workers for the purpose of preparing for a Phase II re-opening when authorized. In preparing their premises for re-opening, Phase II businesses and other organizations ("Phase II enterprises") must at all times comply with all generally applicable COVID-19 workplace safety rules and any relevant sector-specific COVID-

19 workplace safety rules issued pursuant to Section 2 of COVID-19 Order No. 33 or otherwise by the Department of Labor Standards (“DLS”), the Department of Public Health (“DPH”), or any other agency authorized to issue similar health and safety rules.

Phase II enterprises may not open their premises to customers and the public generally until authorized to do so by subsequent Order.

2. Designation of Phase II Enterprises

Phase II enterprises are businesses or other organizations that meet each of the following conditions:

They are

- not currently permitted to open their premises as an Essential Service or Phase I enterprise pursuant to Section 1 of COVID-19 Order No. 33;
- not closed by any COVID-19 Order separate from or in addition to COVID-19 Order No. 13;
- not excluded or excepted from the terms of this Order in Section 4; and
- not designated on the chart below as a Phase III or Phase IV enterprise.

	All Phase II, III, and IV enterprises will be required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, and local boards of health. Workplace safety rules will include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase II	<p>Enterprises that meet all of the conditions specified above and including</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ Step 1: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ Step 2: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility

	<ul style="list-style-type: none"> • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks ○ mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing simulcast facilities (no spectators) • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms/shower rooms ○ excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and performance venues of moderate capacity • Indoor theatres, concert halls, and other performance venues of moderate capacity • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Fishing and hunting tournaments and other amateur or professional derbies • Weddings/events/gatherings in parks, reservations, and open spaces with allowance for moderate capacity • Overnight camps • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational businesses: batting cages, driving ranges, go karts, bowling alleys, arcades, laser tag, roller skating rinks, trampolines, rock-climbing <p>This listing is subject to amendment.</p>
Phase IV	<ul style="list-style-type: none"> • Amusement parks, theme parks, indoor or outdoor water parks • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including

	<ul style="list-style-type: none"> ○ Theaters and concert halls ○ Ballrooms ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls ● Private party rooms ● Street festivals and parades and agricultural festivals ● Road races and other large, outdoor organized amateur or professional group athletic events <p>This listing is subject to amendment.</p>
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3. Rules for Phase II Limited Organized Sports Activities and Programs

Amateur Sports: Effective immediately, organizers of sports activities and programs for youths and adults and facilities that host such programs or activities may open their premises to employees to begin preparations, consistent with the provisions of Section 1, for authorized Phase II activities. In addition to complying with generally applicable COVID-19 workplace safety rules, organizers of sports activities and programs for youths and adults and facilities that host such programs or activities shall be subject to the following directives during Phase II:

- a. Programs for contact sports must limit activities exclusively to no-contact drills and practices. Programs for no contact sports where ordinary play allows for social distancing may include ordinary play.
- b. Games, scrimmages, and tournaments shall not be permitted for any organized sports activities.
- c. Programs must separate participants into groups of no more than 10 participants, including coaches and staff.
- d. Indoor athletic facilities shall be open and available exclusively for the use of supervised sports programs, including sports camps, for youths under the age of 18.

The Secretary of the Executive Office of Energy and Environmental Affairs (“EEA”) shall issue guidance to implement these directives and all generally applicable COVID-19 workplace standards for organizers of youth and adult sports programs and operators of facilities that host those programs. Organizers of youth and adult sports programs shall follow the EEA guidance; provided, however, that when the program is governed by formal league rules or other binding agreements or affiliations, the organizer shall comply with any COVID-19 and other health and safety rules applicable under those authorities. The requirements of items (a) – (d) above shall apply in all circumstances.

Professional Sports: Effective immediately, professional sports organizations may open their premises to employees and other workers for the activities provided for in Section 1 and may also open their premises to employees for on-premises athletic practices and training,

subject to adoption of COVID-19 health and safety rules implemented under the authority of formal league rules or other binding agreements or affiliations.

Professional sports organizations may not engage in inter-team games within the Commonwealth and may not open any facilities within the Commonwealth to the public until further Order.

4. Preparations and Accommodation for Outdoor Restaurant Dining Service

Restaurants will be authorized to provide outdoor table service at the commencement of Phase II of the Commonwealth's phased re-opening of workplaces. If the public health data reflects continued positive progression, restaurants will be authorized at a later date and by a subsequent Phase II Order to commence indoor table service. In each case, restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants.

"Outdoor table service" shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times.

Notwithstanding the provisions of chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for expansion of outdoor table service, including in the description of licensed premises as described below. Prior to such approval, the mayor, select board, or chief executive as established by charter or special act, shall establish the process for approving such requests. Such process need not comply with the notice and publication provisions of section 11 of chapter 40A.

Any such approval may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

In order to provide improved opportunities for outdoor table service, for any type of license that permits the sale of alcoholic beverages for on-premises consumption, a local licensing authority ("LLA") may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the LLA may deem reasonable and proper, and issue an amended license to existing license holders, without further review or approval by the Alcoholic Beverages Control Commission ("ABCC") prior to issuance. Upon approval of an amended license, the LLA shall provide notice of the amended license to the ABCC. Nothing in this Order shall prevent the ABCC from exercising its statutory or regulatory enforcement authority over any such amended license issued.

On November 1, 2020 or the date this Order is rescinded, whichever is sooner, any approval issued under this Section, including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premises.

5. Sector-Specific Rules

The Director of Labor Standards and the Commissioner of Public Health shall issue, subject to my approval, COVID-19 workplace safety rules for certain, specific Phase II enterprise workplace sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific workplace sectors. These Phase II Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth. Phase II enterprises shall adopt and comply with all Sector-Specific Rules applicable to their workplaces.

6. Limitations on Gatherings

A Phase II enterprise that is authorized to open its brick-and-mortar premises to workers under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises; provided, however, that Phase II enterprises must comply with the social distancing requirements in the Commonwealth’s generally applicable COVID-19 workplace safety rules, any more specific limitations on gatherings and meeting sizes included in any applicable Sector-Specific Rules, and any other similar restrictions specified in this Order.

Section 3 of COVID-19 Order No. 13 shall otherwise remain in effect for businesses or organizations not permitted to open their brick-and-mortar premises as COVID-19 Essential Services, or Phase I or Phase II enterprises.

4. Exceptions

This Order shall have no application to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or provider licensed by the Department of Public Health or the Board of Registration in Medicine
- d. Any of the following workplaces or facilities with specialized functions and populations:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students

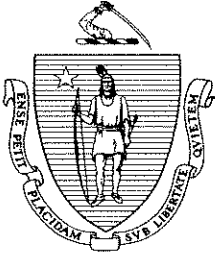
- Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
- Facilities operated by the Department of Correction or any Sheriff
- Facilities operated or licensed by the Department of Mental Health or the Department of Developmental Services
- And any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:20 PM this 1st day
of June, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER AUTHORIZING RE-OPENING PREPARATIONS FOR CHILD CARE PROGRAMS

COVID-19 Order No. 36

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

WHEREAS, on March 18, 2020, in order to restrict person-to-person contact as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 10, which temporarily closed all licensed, approved, or exempt child care programs in the Commonwealth, effective at the end of the day on March 22, 2020;

WHEREAS, on March 25, 2020, and April 21, 2020, I issued COVID-19 Orders No. 15 and 27, respectively, which extended the period in which COVID-19 Order No. 10 would require all licensed, approved, or exempt child care programs to remain closed;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in response to the COVID-19 health crisis;

WHEREAS, a sustained trend of improvement in public health data has permitted an ongoing carefully phased relaxation of certain restrictions placed on businesses and other organizations to combat the COVID-19 pandemic, provided, however, that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 31, 2020, 1,824 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 436 of these patients are receiving treatment in intensive care units;

WHEREAS, child care programs are a necessary support to the re-opening of businesses and organizations that are currently closed, and the continuing trend of improvement in the public health data permits a similar carefully phased relaxation of restrictions on child care programs; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, over educational facilities that are supported in whole or in part by public funds, and variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies;

NOW, THEREFORE, I hereby order the following:

1. Advance Preparations by Child Care Programs

Beginning immediately, any licensed, approved, or exempt child care program that was closed by COVID-19 Order No. 10 and that is not currently operating as an emergency child care program under the authority of COVID-19 Order No. 10 may open its physical workplaces and facilities (“brick-and-mortar premises”) to workers for the purpose of preparing for opening when authorized.

Child care programs that admit workers to begin preparation of their brick-and-mortar premises for opening under the terms of this Order must at all times comply with all generally applicable COVID-19 workplace safety rules and any safety rules issued pursuant to Section 2 of this Order.

Child care programs that commence re-opening preparations under the terms of this Order may not open their brick-and-mortar premises to children and the public generally until authorized to do so by subsequent Order.

2. Requirements for Child Care Programs to Open

The Department of Early Education and Care ("EEC"), acting through its Commissioner and subject to my approval, is hereby authorized to issue policies, procedures, requirements, rules, and guidance to implement COVID-19 health and safety rules for the operation of licensed, approved, or exempt child care programs. EEC, through its Commissioner, is hereby further authorized to temporarily suspend or modify any existing EEC regulation applicable to licensed, approved, or exempt child care programs to the extent necessary to provide for the opening, operation, and funding of those programs.

3. Exceptions

This Order does not affect emergency child care programs created by and operating under the authority of COVID-19 Order No. 10, which programs may continue to operate subject to the terms of that Order.

This Order does not affect emergency residential programs created by and operating under the authority of COVID-19 Order No. 26, which programs may continue to operate subject to the terms of that Order.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

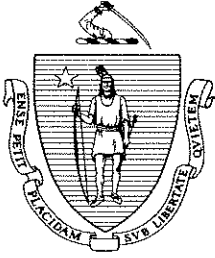
Given in Boston at 2:25 PM this 15th day
of June, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER AUTHORIZING THE RE-OPENING OF PHASE II ENTERPRISES

COVID-19 Order No. 37

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing in-person contact with others and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of limited ventilation or numbers of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

WHEREAS, on May 18, 2020, I issued COVID-19 Order No. 33, which authorized the re-opening of certain brick-and-mortar premises designated as "Phase I" workplaces ("Phase I enterprises"), subject to the requirement that all such workplaces comply with workplace safety rules and standards designed to protect against the risk of the COVID-19 virus and which otherwise further extended the period in which COVID-19 Order No. 13 would continue to restrict the operations of businesses and organizations that do not provide Essential Services or that were not designated as Phase I workplaces;

WHEREAS, a sustained trend of improvement in public health data permits a continued, carefully phased relaxation of certain restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and at present the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health on June 5, 2020 that 1,533 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 350 of these patients are receiving treatment in intensive care units;

WHEREAS, according to the Centers for Disease Control and Prevention, a precipitous removal of targeted restrictions that have proven effective in combatting the spread of COVID-19 could result in a recurrence of the virus spread, as has been the experience in certain States and countries; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

1. Opening of Phase II Enterprises Generally

Businesses and other organizations that are Phase II enterprises, as defined below, are permitted to open and operate from their physical workplaces and facilities ("brick-and-mortar premises") according to the progressive, two-step schedule specified in Section 2. Phase II

enterprises may open those premises to workers, customers, and the public when authorized under the two-step schedule in Section 2 provided they comply with all workplace safety rules and standards issued or maintained pursuant to Section 3 and all other terms of this Order.

Phase II enterprises are businesses or other organizations that are designated as such on the chart attached as Schedule A or businesses and other organizations that meet each of the following conditions:

- a. not previously permitted to open their premises as an Essential Service or Phase I enterprise pursuant to Section 1 of COVID-19 Order No. 33;
- b. not closed by any COVID-19 Order separate from or in addition to COVID-19 Order No. 13;
- c. not excluded or excepted from the terms of this Order in Section 5; and
- d. not designated as a Phase III or Phase IV enterprise on the chart attached as Schedule A.

Businesses and other organizations that are designated as Phase III and Phase IV enterprises on the chart attached as Schedule A must keep their brick-and-mortar premises closed to workers, customers, and the public and may not conduct Phase III and IV activities except as remote means permit. Phase III and IV enterprises shall not re-open their brick-and-mortar premises until specifically authorized to do so by subsequent Order. Phase III and IV enterprises may, however, open their premises to workers to the degree reasonably necessary to perform critical tasks that cannot be conducted remotely, such as ensuring on-going maintenance of the premises, preservation of inventory and equipment, and compliance with legal obligations.

2. Two-Step Progression of Phase II Openings

Step 1: On June 8, 2020, Phase II enterprises that are not designated as Step 2 enterprises may open their brick-and-mortar premises to workers, customers, and the public.

Restaurants are authorized to provide outdoor table service beginning with the June 8 commencement of Step 1. For the purposes of this Order, the term “restaurant” shall mean an establishment that provides seated food service that is prepared on-site and under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

“Outdoor table service” shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times.

Step 2: If the public health data reflects continued positive progression, Step 2 will be announced by a subsequent Phase II Order. Effective upon the commencement of Step 2

- a. close contact personal services, as defined below, may open their brick-and-mortar premises to workers, customers, and the public; and
- b. Restaurants may commence indoor table service.

“Close contact personal services” shall mean any personal service typically delivered through close physical contact with a client including, without limitation, nail care services, massage therapy, personal training services, and tattoo, piercing, and body art services. The Director of Labor Standards shall issue guidance to define such services more completely.

3. Sector-Specific Rules and Self-Certification

The Director of Labor Standards and the Commissioner of Public Health shall issue, subject to my approval, COVID-19 workplace safety rules for certain, specific Phase II enterprise sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific sectors.

The Secretary of the Executive Office of Energy and Environmental Affairs (“EEA”), subject to my approval, shall issue Sector-Specific Rules to implement COVID-19 safety measures for organized youth and adult amateur sports activities and shall continue to issue COVID-19 workplace safety standards for operators of and participants in outdoor recreational activities as provided for in COVID-19 Order No. 34. In issuing such standards, the Secretary may from time to time, following consultation with the Commissioner of the Department of Public Health, adjust the capacity restrictions in Section 3(c) of COVID-19 Order No. 35 and the capacity and other limitations applicable to the recreational activities and facilities specified in Attachment 1 to COVID-19 Order No. 33.

Phase II Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth adopted in COVID-19 Order No. 33. Phase II enterprises shall adopt and comply with all Sector-Specific Rules applicable to their workplaces.

Newly Opened Premises: Phase II enterprises that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to self-certify that they are in compliance with all generally applicable COVID-19 workplace safety rules and any applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a Phase II enterprise not previously authorized to operate as a COVID-19 Essential Service pursuant to COVID-19 Order No. 13 shall be required to implement the following measures:

- a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace

- b. Complete the required self-certification to verify compliance with all general and any applicable Sector-Specific Rules and make the self-certification available for inspection upon a request by State or Local authorities
- c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

A Phase II enterprise that has prior to the issuance of this Order been authorized to remain open to workers, customers, and the public as a “COVID-19 Essential Service” shall have until June 15, 2020 to certify its compliance with any COVID-19 workplace safety rule issued pursuant to this Order and with the public notice provisions specified above.

All such businesses and other organizations shall, in any event, immediately undertake best efforts to comply with all generally applicable COVID-19 workplace safety rules applicable to all businesses and other organizations operating within the Commonwealth.

4. Enforcement and Authority

The Department of Labor Standards, in consultation with the Department of Public Health (“DPH”), shall have general authority to promulgate directives, regulations, and guidance to implement and enforce the COVID-19 workplace safety rules authorized under this Order.

DPH shall have specific authority to promulgate directives, regulations, and guidance to implement and enforce the terms of this Order as it applies to businesses, organizations, and workplaces subject to the sanitary code established pursuant to section 127A of chapter 111 of the General Laws and where DPH otherwise has existing regulatory authority.

A municipal board of health or authorized agent pursuant to G. L. c. 111, § 30 shall have concurrent authority with DLS and DPH to enforce the terms of this Order and any directives, regulations, or guidance issued by DLS, DPH, and EEA under the authority of this Order.

This Order is intended to establish a uniform set of COVID-19 workplace safety rules for all businesses and other organizations operating brick-and-mortar premises across the Commonwealth. No municipal or other local authority should adopt or enforce any workplace health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in this Order or under the implementing directives, regulations, and guidance issued by DLS, DPH, or EEA under the authority granted by this Order. DLS, DPH, EEA, and each municipal or local authority shall uniformly apply any enforceable COVID-19 workplace safety rule.

Violation of the terms of this Order or any directives, regulations, or guidance issued pursuant to this Order may result in a civil fine of up to \$300 per violation, in the manner provided for in G. L. c. 277, § 70C. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order or any directives, regulations, or guidance issued on its

authority may be filed in the district court or other any court of competent jurisdiction for the municipality in which the violation has been charged.

In issuing directives, regulations, or guidance under the terms of this Order, (a) the Director of Labor Standards shall act under the authority G. L. c. 149, §§ 6 & 6½; and (b) the Commissioner of Public Health shall act under the authority of G. L. c. 17, § 2A and G. L. c. 111, §§ 6 & 127A, insofar as those statutes are consistent with the provisions of this Order and authority is available thereunder. In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. 111, § 6 or any other appropriate authority to supplement the terms of this Order in the event she determines that additional measures are required to ensure that the terms of this Order are observed. The Director of Labor Standards and the Commissioner of Public Health may issue regulations implementing the terms of this Order pursuant to the processes generally provided in G. L. c. 30A, §§ 2-6.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

5. Exceptions

This Order shall have no application to any of the following businesses, organizations, workplaces, or facilities:

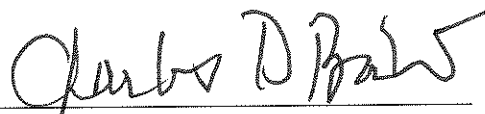
- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations, provided that DPH shall in each case consult with the responsible authority and provide COVID-19 health and safety guidance as needed:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities that provide safe spaces for the unstably housed such as homeless and domestic violence shelters

- and any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

COVID-19 Order No. 13 is rescinded effective at 12:01 am on June 8, 2020.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:01 PM this 6 th day
of June, two thousand and twenty



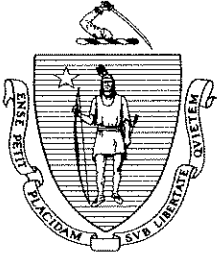
CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 37

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ Step 1: outdoor table service ○ Step 2: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ Step 1: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ Step 2: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks ○ mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools

	<ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities (no spectators) ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms/shower rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and performance venues of moderate capacity ● Indoor theatres, concert halls, and other performance venues of moderate capacity ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production, except for activities specifically permitted in Phases I and II ● Fishing and hunting tournaments and other amateur or professional derbies ● Weddings/events/gatherings in parks, reservations, and open spaces with allowance for moderate capacity ● Overnight camps ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational businesses: batting cages, driving ranges, go karts, bowling alleys, arcades, laser tag, roller skating rinks, trampolines, rock-climbing <p>This listing is subject to amendment.</p>
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 ● Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 ● Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including <ul style="list-style-type: none"> ○ Theaters and concert halls ○ Ballrooms ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls

	<ul style="list-style-type: none">• Private party rooms• Street festivals and parades and agricultural festivals• Road races and other large, outdoor organized amateur or professional group athletic events <p>This listing is subject to amendment.</p>
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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**REVISED ORDER REGULATING GATHERINGS
THROUGHOUT THE COMMONWEALTH**

COVID-19 Order No. 38

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to operate;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

WHEREAS, on May 18, 2020 and June 6, 2020, I issued COVID-19 Orders No. 33 and 37, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth, thereby rendering the Essential Services designation no longer practically useful, with the result that COVID-19 Order No. 13 will accordingly be rescinded effective June 8, 2020 pursuant to COVID-19 Order No. 37;

WHEREAS, it remains imperative to continue to minimize opportunities for person-to-person spread of the COVID-19 virus while the Commonwealth remains in the midst of the COVID-19 public health emergency; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

Gatherings that bring together more than 10 persons into close physical proximity in any confined indoor or outdoor space remain prohibited throughout the Commonwealth.

Gatherings that are subject to the limitations of this Order include, without limitation, community, civic, public, leisure, sporting events, concerts, conferences, conventions, fundraisers, fairs, festivals, and other similar events or activities that attract 10 or more persons to a particular location.

Indoor and Other Enclosed Gathering Spaces: Stadiums, arenas, theaters, concert halls, ballrooms, conference facilities, exhibition and convention halls, and similar venues that are designed or operated to accommodate gatherings and other assemblages of people shall remain closed.

Outdoor Activities in Unenclosed Spaces: This Order does not prohibit gatherings of more than 10 people in an unenclosed, outdoor space such as a park, backyard, athletic field, or

parking lot, provided that (a) every person in attendance is able regularly to maintain at least 6 feet of distance from others in attendance; and (b) the type of gathering at issue has not been prohibited or the outdoor space in which the gathering will take place has not been closed to the public by previous Executive Order designating it as a Phase III or Phase IV enterprise or venue.

Street festivals, agricultural festivals, walk-a-thons, road races and bike races, and other outdoor organized athletic or recreational events that gather large numbers of participants or spectators outdoors are prohibited until further Order; provided, however, that outdoor gatherings for the purpose of political expression are permitted.

Consistent with COVID-19 Order No. 31, which requires persons to wear face coverings while in public places to prevent the spread of COVID-19, and the Safer at Home Advisory issued by the Department of Public Health issued on May 18, 2020, all persons over the age of two must wear a face covering when they attend outdoor gatherings if the circumstances of the gathering could limit their ability to maintain at least six feet of distance from others, unless they are prevented from wearing a face covering by a medical or disabling condition. All persons are likewise advised to avoid close personal contact to prevent spreading the virus.

Context-Specific Rules: A business or other organization that has been designated by Executive Order as a Phase I or Phase II enterprise and that is permitted to open its brick-and-mortar premises to workers or the public shall not be subject to this general rule restricting gatherings where the enterprise is operating in compliance with COVID-19 safety rules issued by the Department of Public Health, the Department of Labor Standards, or the Department of Energy and Environmental Affairs.

Legal Exceptions: This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services

- Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
- and any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

Violation of the terms of this Order may result in a civil fine of up to \$300 per violation, in the manner provided by G. L. c. 277, § 70C. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or other any court of competent jurisdiction for the municipality in which the violation has been charged.

This Order shall be effective at 12:01 am on June 8, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:45 PM this 6th day
of June, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER FURTHER ADVANCING THE RE-OPENING
 OF PHASE II ENTERPRISES**

COVID-19 Order No. 40

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order and temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, on May 18, 2020 and June 6, 2020, I issued COVID-19 Order Nos. 33 and 37, which authorized the re-opening of certain brick-and-mortar premises designated as “Phase I” and “Phase II” enterprises, subject to the requirement that all such enterprises comply with workplace safety rules and standards designed to protect against the risk of the COVID-19 virus;

WHEREAS, COVID-19 Order No. 37 provided that certain Phase II enterprises were authorized to re-open at the commencement of Phase II (“Step 1”) and that certain other Phase II enterprises would be authorized to re-open only when permitted to do so by a subsequent Executive Order to be issued only on the basis of continued positive progression in the public health data (“Step 2”);

WHEREAS, the current, sustained trend of improvement in public health data permits a continuing, carefully phased relaxation of certain restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing positive trends in the public health data; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

Step 2 of Phase II of the Commonwealth's Re-Opening Plan shall commence at 12:01 am on Monday, June 22, 2020.

Effective upon the commencement of Step 2

- a. close contact personal services, as defined in COVID-19 Order No. 37 and in any implementing rules or regulations, may open their brick-and-mortar premises to workers, customers, and the public; and
- b. restaurants, as defined in COVID-19 Order No. 37, may commence indoor table service.

Any Phase II enterprise that opens its brick-and-mortar premises to workers, customers, or the public on or after the commencement of Step 2 shall be subject to all rules, requirements, limitations, and provisions applicable to Phase II enterprises generally under the terms of COVID-19 Order No. 37 or under the terms of any prior or subsequent Order of continuing effect, including any Sector-Specific Rules applicable to those facilities.

Given in Boston at 11:55 AM this 19th day of June, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



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COMMONWEALTH OF MASSACHUSETTS
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CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER AUTHORIZING THE REOPENING OF CHILD CARE PROGRAMS AND
 RESCINDING EIGHT COVID-19 ORDERS**

COVID-19 Order No. 41

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 17, I issued COVID-19 Order Nos. 7 and 8, which provided automatic license renewals for physicians and other medical professionals whose licenses would expire during the state of emergency, established an expedited means to re-instate the licenses of recently-retired physicians, expanded authorization for the practice of telemedicine, and made other allowances to expand capacity in the health care system to respond to an anticipated surge in COVID-19 cases in the Commonwealth;

WHEREAS, on March 18, I issued COVID-19 Order No. 9, which provided for the automatic extension of a wide range of other, non-medical professional licenses and registrations issued to individuals by Commonwealth licensing authorities, and on March 26, I issued COVID-19 Order No. 18, which did the same for licenses issued to businesses and other organizations;

WHEREAS, on March 18, I also issued COVID-19 Order No. 10, which, as extended by COVID-19 Order Nos. 15 and 27, closed licensed, approved, and exempt child care programs until June 29 and authorized the establishment of an Emergency Child Care Program to provide care to vulnerable children and the children of front-line workers;

WHEREAS, on March 20, I issued COVID-19 Order No. 12, which allowed for the conditional deferral of certain inspections normally required upon the sale or transfer of residential real estate;

WHEREAS, on March 30, I issued COVID-19 Order No. 19, which allowed public companies headquartered in the Commonwealth to conduct annual or special shareholder meetings exclusively by remote means;

WHEREAS, on March 30, I also issued COVID-19 Order No. 20, which allowed the Executive Office of Health and Human Services to employ an expedited process for adjusting the payments made to critical health and human services providers who were facing extraordinary demand or severe disruptions to their service models as a result of the COVID-19 emergency;

WHEREAS, on April 9, I issued COVID-19 Order No. 23, which allowed for the expedited licensing of physicians educated at foreign medical schools;

WHEREAS, the current, sustained trend of improvement in public health data has reduced the demand on medical facilities, allowed for the re-opening of many businesses and other organizations in the state, and permitted the resumption of state services and licensing, with the consequence that the pressing need for flexibility and expedited processes that were authorized by these earlier-issued Emergency Orders has substantially diminished; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including authority over educational facilities that are supported in whole or in part by public funds, so as to extend those facilities' benefits and availability; authority over public assemblages in order to protect the health and safety of persons; authority to modify of the terms and conditions of licenses, permits, or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions; authority to regulate the manner and method of purchasing or contracting for services for the Commonwealth and its agencies; and authority over the policing, protection, and preservation of all private property by the owner or person in control thereof;

NOW, THEREFORE, I hereby order the following:

(1) Reopening of Child Care and July 13 Closure of Emergency Child Care Programs

Licensed, approved, or exempt child care programs closed by the Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs (COVID-19 No. 10), may reopen under their current license, approval, or exemption, provided that any such child care program must abide by the reopening requirements and approval process established by the Department of Early Education and Care,

including but not limited to the requirement to demonstrate capacity to meet the minimum health and safety requirements issued pursuant to the Order Authorizing Re-Opening Preparations for Child Care Programs (COVID-19 Order No. 36).

Emergency child care programs, as authorized by Section 2 of COVID-19 Order No. 10, may continue operations through July 12, 2020. Effective at 12:01 am on July 13, 2020, the provisions of COVID-19 Order No. 10 are rescinded in their entirety, and emergency child care programs shall no longer be authorized to operate and must cease operation.

(2) Additional Rescissions of Orders

Each of the following Orders is hereby rescinded as of the dates indicated below, provided that, except as otherwise specified below, rescission shall not invalidate any allowance made, protection granted, or act taken under the authority of an Order prior to its rescission or impair any license, registration, permit, or extension granted under the authority of any Order prior to its rescission.

June 26, 2020

- (a) Order Regarding the Conduct of Shareholder Meetings by Public Companies (COVID-19 Order No. 19)

July 10, 2020

- (b) Order Permitting the Temporary Conditional Deferral of Certain Inspections of Residential Real Estate (COVID-19 Order No. 12)
- (c) Order Expanding Access to Physician Services (COVID-19 Order No. 7)
- (d) Order Extending the Registrations of Certain Licensed Health Care Professionals (COVID-19 Order No. 8)
- (e) Order Extending the Registrations of Certain Licensed Professionals (COVID-19 Order No. 9)
- (f) Order Extending Certain Professional Licenses, Permits, and Registrations Issued by Commonwealth Agencies (COVID-19 Order No. 18)

For the Orders listed in (c)-(f), each relevant licensing authority shall ensure that all licenses, registration, or permits previously issued or extended under the Orders' authority shall at a minimum remain valid through October 1, 2020.

July 31, 2020

- (g) Order Providing Accelerated Licensing of Physicians Educated in Foreign Medical Schools (COVID-19 Order No. 23). The Board of Registration in Medicine shall

ensure that all licenses issued pursuant to the authority of COVID-19 Order No. 23 remain valid for 2 years from the date of issuance.

- (h) Order Authorizing the Executive Office of Health and Human Services to Adjust Essential Provider Rates during the COVID-19 Public Health Emergency (COVID-19 Order No. 20); provided that (a) no further rate or payment adjustments shall be made in reliance on COVID-19 Order No. 20 after July 10; and (b) any designations made or temporary rates, supplemental payments, or other rate and payment methodologies or arrangements established prior to the date of this Order pursuant to COVID-19 Order No. 20 shall also expire on July 31, 2020.

This Order is effective immediately.

Given in Boston at 5:20 PM this 26th day of June, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



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CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

ORDER AUTHORIZING THE RE-OPENING OF PHASE III ENTERPRISES

COVID-19 Order No. 43

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing in-person contact with others and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of limited ventilation or large numbers of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services as defined in the Order;

WHEREAS, on the basis of sustained improvement in the public health data, on May 18, 2020 and June 6, 2020, I issued COVID-19 Order Nos. 33 and 37 respectively, which authorized the re-opening of certain brick-and-mortar premises designated as “Phase I” and “Phase II” enterprises, subject to the requirement that all such enterprises comply with workplace safety rules and standards designed to protect against the risk of the COVID-19 virus;

WHEREAS, the current, continuing trend of improvement in public health data permits a further, carefully phased relaxation of restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data;

WHEREAS, according to the Centers for Disease Control and Prevention, a precipitous removal of targeted restrictions that have proven effective in combatting the spread of COVID-19 could result in a recurrence of the virus spread, as has been the experience in certain States and countries; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

1. Opening of Phase III Enterprises

Businesses and other organizations that are designated as Phase III enterprises on the chart attached as Schedule A are permitted to open and operate from their physical workplaces and facilities (“brick-and-mortar premises”) according to the progressive, two-step schedule specified below. Phase III enterprises may open those premises to workers, customers, and the public only when authorized under the two-step schedule and provided that they comply with all workplace safety rules and standards issued or maintained pursuant to Section 4 and all other terms of this Order.¹

Step 1: On July 6, 2020, Phase III enterprises that are designated as Step 1 enterprises on Schedule A may open their brick-and-mortar premises to workers, customers, and the public; provided, however, that for any premises located within the City of Boston, Step 1 of Phase III shall commence on July 13, 2020.

Step 2: If the public health data reflects continued positive progression, Step 2 will be announced by a subsequent Phase III Order. Effective upon the commencement of Step 2, Phase III enterprises that are designated as Step 2 enterprises on Schedule A may open their brick-and-mortar premises to workers, customers, and the public.

¹ Schedule A has been amended from the version adopted in COVID-19 Order No. 37 on June 6, 2020.

Businesses and other organizations that are designated as Phase IV enterprises on the chart attached as Schedule A must keep their brick-and-mortar premises closed to workers, customers, and the public and may not conduct Phase IV activities except as remote means permit. Phase IV enterprises shall not re-open their brick-and-mortar premises until specifically authorized to do so by subsequent Order. Phase IV enterprises and enterprises permitted to open only in Step 2 of Phase III may, however, open their premises to workers to the degree reasonably necessary to perform critical tasks that cannot be conducted remotely, such as ensuring on-going maintenance and security of the premises, preservation of inventory and equipment, and compliance with legal obligations.

2. Adjustments to Restrictions on Organized Sports Activities and Programs

Amateur Sports: The Secretary of the Executive Office of Energy and Environmental Affairs (“EEA”), subject to my approval, shall continue to issue Sector-Specific Rules to implement COVID-19 safety measures for organized youth and adult amateur sports activities and shall continue to issue COVID-19 Sector-Specific Rules and other safety standards for operators of and participants in outdoor recreational activities as authorized in COVID-19 Order Nos. 35 and 37.

The specific restrictions on amateur organized sports itemized in paragraphs (a) – (d) of section 3 of COVID-19 Order No. 35 are hereby rescinded. Accordingly, the Secretary of EEA, after consulting with the Department of Public Health, may determine appropriate Step 1 and Step 2 allowances, rules, and restrictions that

- a. permit games, scrimmages, and tournaments for both no-contact and contact sports;
- b. establish appropriate limitations on the number of persons that may participate at one time in an organized sports activity within a single facility or on a single court, field, or other playing surface; and
- c. open indoor athletic facilities for use by both youths and adults.

Professional Sports: A professional sports organization that has adopted comprehensive COVID-19 health and safety rules under the authority of formal league rules or other binding agreements or affiliations may engage in organized games, tournaments, and other competitions within the Commonwealth. Prior to engaging in any such activities, a professional sports organization shall submit such COVID-19 health and safety rules to the Commissioner of the Department of Public Health for review.

No professional sports organization shall admit spectators or other members of the public to any training, practice, scrimmage, game, or tournament or other competition or exhibition until authorized by further Order.

Section 4 of this Order shall not apply to professional sports organizations that have complied with this section.

3. Premises Regulated by the Massachusetts Gaming Commission

The Massachusetts Gaming Commission (“MGC”), following consultation with the Department of Public Health, shall issue and may from time to time amend COVID-19 safety rules for the operation of all casinos, race tracks, and related facilities operating under licenses issued pursuant to Chapters 23K or 128A and subject to the MGC’s regulatory authority, and for simulcasting facilities approved under Chapter 128A. The MGC shall have authority to promulgate and enforce such rules and in doing so may exercise any powers granted to it by Chapters 23K or 128A.

Section 4 of this Order shall not apply to casinos, race tracks, or other facilities subject to the MGC’s regulatory authority and operated under licenses issued pursuant to Chapters 23K or 128A.

4. Sector-Specific Rules and Self-Certification

The Director of Labor Standards and the Commissioner of the Department of Public Health shall issue, subject to my approval, COVID-19 workplace safety rules for certain, specific Phase III enterprise sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific sectors.

Phase III Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth adopted in COVID-19 Order No. 33. Phase III enterprises shall adopt and comply with all Sector-Specific Rules applicable to their workplaces.

Newly Opened Premises: Phase III enterprises that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to self-certify that they are in compliance with all generally applicable COVID-19 workplace safety rules and any applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a Phase III enterprise shall:

- a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace
- b. Complete the required self-certification to verify compliance with all general and any applicable Sector-Specific Rules and make the self-certification available for inspection upon a request by State or Local authorities
- c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

5. Enforcement and Authority

The Department of Labor Standards (“DLS”), in consultation with the Department of Public Health (“DPH”), shall have general authority to promulgate directives, regulations, and guidance to implement and enforce the COVID-19 workplace safety rules authorized under this Order.

A municipal board of health or authorized agent pursuant to G. L. c. 111, § 30 shall have concurrent authority with DLS and DPH to enforce the terms of this Order and any directives, regulations, or guidance issued by DLS, DPH, and EEA under the authority of this Order.

The provisions of Section 4 of COVID-19 Order No. 37 are hereby incorporated and restated in full and shall apply to Phase III enterprises except where this Order provides a specific limitation or exception.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

6. Exceptions

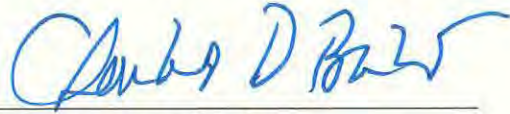
This Order shall have no application to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations, provided that DPH shall in each case consult with the responsible authority and provide COVID-19 health and safety guidance as needed:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities that provide safe spaces for the unstably housed such as homeless and domestic violence shelters

- and any other facilities or workplaces that the Commissioner of the Department of Public Health may in writing exempt from the terms of this Order

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 11:20 AM this 2nd day of July, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 43

	<p>All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.</p>
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing tracks and simulcast facilities [a] • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms [a] ○ excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises [a] • Movie theatres [a] • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Motion picture, television, and video streaming production [a] • Fishing and hunting tournaments and other amateur or professional derbies • Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises [a] • Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events [a] • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls [a] <p><u>Step 2</u></p> <ul style="list-style-type: none"> • Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises [a] • Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses [a]
Phase IV	<ul style="list-style-type: none"> • Amusement parks, theme parks, indoor and outdoor gaming arcades, indoor or outdoor water parks and indoor or outdoor ball pits [a] • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000

	<ul style="list-style-type: none"> • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including [a] <ul style="list-style-type: none"> ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events • Overnight camps (Summer 2021) [a] <p>This listing is subject to amendment.</p>
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Note: entries that reflect amendments from the version of Exhibit A adopted in COVID-19 Order No. 37 (June 6, 2020) are designated by the marker “[a].”



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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**SECOND REVISED ORDER REGULATING GATHERINGS
THROUGHOUT THE COMMONWEALTH**

COVID-19 Order No. 44

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the

Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

WHEREAS, on May 18, 2020, June 6, 2020 and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on June 6, 2020, I issued COVID-19 Order No. 38, which further extended the prohibition on gatherings of more than 10 people;

WHEREAS, it remains imperative to continue to minimize opportunities for person-to-person spread of the COVID-19 virus while the Commonwealth remains in the midst of the COVID-19 public health emergency; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. *Entities Subject to Sector-Specific Rules*: A business or other organization that has been designated by Executive Order as a Phase I, Phase II, or Phase III enterprise and that is permitted to open its brick-and-mortar premises to workers and the public shall not be subject to the general gathering limitations in Section 2 of this Order, if the enterprise is operating in compliance with COVID-19 safety rules and any applicable capacity limitation issued by the Department of Public Health, the Department of Labor Standards, the Massachusetts Gaming Commission, or the Department of Energy and Environmental Affairs.

Phase IV enterprises shall remain closed, consistent with the requirements of the Order Authorizing the Re-Opening of Phase III Enterprises (COVID-19 Order No. 43).

2. *Otherwise Applicable Indoor and Outdoor Gathering Limits*: The following limitations apply to indoor and outdoor gatherings not included within section 1 above:

- Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space.
- Outdoor gatherings in enclosed, permitted, or leased spaces are limited to 25% of the maximum permitted occupancy of the facility as documented in the facility's occupancy permit on record with the municipal building department or other municipal record

holder, if there is a capacity limitation on record, or 8 persons per 1,000 square feet where no occupancy limitation is on record, and never more than 100 persons in a single outdoor space that is enclosed, permitted, or leased.

A gathering in permitted space is any gathering that is required to receive a permit from a state or municipal authority. Gatherings that are subject to the limitations of this Section include, without limitation, community, civic, public, leisure, sporting events, concerts, conferences, conventions, fundraisers, fairs, festivals, and other similar events or activities.

a. *Outdoor Gatherings in Unenclosed Spaces:* Outdoor gatherings that are not subject to the capacity limitations above, such as those in a park, backyard, athletic field, or parking lot are permitted, provided that the type of gathering is not prohibited in Section 2(b) of this Order and the outdoor space in which the gathering will occur is not a Phase IV enterprise or venue, as designated by COVID-19 Order No. 43.

b. *Prohibited Activities:* Street festivals, agricultural festivals, walk-a-thons, road races and bike races, and other outdoor, organized athletic or recreational events that gather large numbers of participants or spectators outdoors are prohibited until further Order; provided, however, that outdoor gatherings for the purpose of political expression are not subject to this Order.

3. *Face Coverings:* Consistent with COVID-19 Order No. 31, which requires persons to wear face coverings while in public places to prevent the spread of COVID-19, and the Safer at Home Advisory issued by the Department of Public Health on May 18, 2020, all persons over the age of two must wear a face covering when they attend indoor and outdoor gatherings in public places if the circumstances of the gathering could limit their ability to maintain at least six feet of distance from others, unless they are prevented from wearing a face covering by a medical or disabling condition. All persons are likewise advised to avoid close personal contact to prevent spreading the virus.

4. *Legal Exceptions:* This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization

- Facilities operated by the Department of Correction or any Sheriff
- Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
- Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
- and any other facility or workplace that the Commissioner of Public Health may in writing exempt from the terms of this Order

Violation of the terms of this Order may result in a civil fine of up to \$300 per violation, in the manner provided by G. L. c. 277, § 70C. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Revised Order Regulating Gatherings Throughout the Commonwealth (COVID-19 Order No. 38) is hereby rescinded effective 12:01 am on July 6, 2020, except for the city of Boston, for which COVID-19 Order No. 38 is rescinded effective 12:01 am on July 13, 2020.

This Order shall be effective 12:01 am on July 6, 2020, except for the city of Boston, for which the Order will be effective 12:01 am on July 13, 2020, and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 11:25 AM/PM this 2nd day of July, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER INSTITUTING A MANDATORY 14-DAY QUARANTINE
REQUIREMENT FOR TRAVELERS ARRIVING IN MASSACHUSETTS**

COVID-19 Order No. 45

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services as defined in the Order;

WHEREAS, as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis, public health data trends over the past 95 days indicate substantial improvement in key areas of measurement;

WHEREAS, the Commonwealth has maintained this continuing trend of improvement in the public health data even while pursuing a re-opening of the Massachusetts economy by implementing a carefully phased relaxation of many of the restrictions that COVID-19 Order No. 13 placed on businesses and other organizations;

WHEREAS, according to the Centers for Disease Control and Prevention, more than 3.9 million people in the United States have been infected with the coronavirus and the number of

presumptive positive and confirmed cases of COVID-19 continues to rise dramatically in parts of the United States and around the world as reported by the World Health Organization;

WHEREAS, case counts, positive test rates, hospitalizations, and deaths from COVID-19 are significantly higher in many other States and continue to increase, and in addition, nationwide, nearly 60,000 patients were hospitalized due to COVID-19 as of July 22, a figure that approaches the previously-recorded peak level of COVID-19 patients hospitalized in April of 2020;

WHEREAS, there is currently no known cure, effective treatment, or vaccine for COVID-19 and, because people may be infected but asymptomatic, there is a substantial risk that travelers arriving in Massachusetts from States and countries where infection rates for COVID-19 are high may present a new source of transmission within the Commonwealth;

WHEREAS, it is therefore necessary to implement a policy to require travelers entering the Commonwealth to take responsible measures to protect against new sources of transmission of the COVID-19 virus and the risk that these present to the progress achieved in reducing the prevalence of the virus within the Commonwealth;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including authority over transportation and travel by any means or mode;

NOW, THEREFORE, I hereby Order the following:

1. Mandatory 14-Day Quarantine for Travelers Entering Massachusetts

Effective at 12:01 am on August 1, 2020, all persons arriving in Massachusetts by any means or mode must quarantine for 14 days in accordance with standards issued by the Commissioner of the Department of Public Health (“DPH”) unless

- (a) the person is coming from a State designated by the Commissioner as a COVID-19 lower-risk State and, aside from merely transitory travel as described in Section 4(a), has not been present in any State or jurisdiction not designated as a COVID-19 lower-risk State during the last 14 days; or
- (b) the person has received a negative test result for COVID-19 from a test performed on a sample taken not longer than 72 hours before the person’s arrival in Massachusetts and can produce proof of the negative test result on request; or
- (c) the person falls within one of the limited, circumstance-specific exceptions specified in Section 4.

A person who has arrived in Massachusetts and who is not exempt from the quarantine requirement under sub-paragraph (a), (b), or (c) must immediately commence the required quarantine on arrival but shall be released from the quarantine requirement if that person obtains a negative test result for COVID-19 from a test administered after the person’s arrival in

Massachusetts. A person released from the quarantine requirement under the preceding sentence must be able to produce proof of the negative test result on request.

This Order applies to all persons—both residents and non-residents of Massachusetts—who have been outside of Massachusetts for any period of time immediately before their arrival, including all students traveling into Massachusetts to attend any academic program or for any other purpose (except for commuter students as addressed in Section 4(b) below).

The Commissioner shall publish on the Massachusetts COVID-19 response website an official list of COVID-19 lower-risk States. The Commissioner may from time to time add or remove States from the lower-risk list to reflect changes in the COVID-19 risk profiles of individual States based on available health data metrics.

Massachusetts residents are urged to limit out-of-State travel only to those States included on the DPH list of COVID-19 lower-risk States and are strongly discouraged from traveling to other States or to international destinations. Employers are strongly discouraged from requiring or allowing business-related travel to destinations other than those appearing on the DPH list of COVID-19 lower-risk States. Employers that permit employer-paid or employer-reimbursed travel to States not on the lower-risk list should take measures to ensure employees comply with this Order. Employers should also strongly discourage their employees from taking personal travel to destinations not included on the list of COVID-19 lower-risk States.

2. Self-Certification and Acknowledgement of Quarantine Requirement

A person required to quarantine pursuant to Section 1 of this Order or a person who is not subject to the quarantine requirement because the person can produce proof of a negative test result as provided in Section 1(b) shall complete and submit a Massachusetts Travel Form acknowledging his or her obligations under this Order and certifying the means by which he or she will comply with those obligations. DPH shall post the Massachusetts Travel Form and instructions for submitting the form on the Massachusetts COVID-19 response website.

Any person who is obligated to comply with the 14-day quarantine requirement in Section 1 shall state on the Massachusetts Travel Form his or her intended place of quarantine and provide other information necessary to permit DPH or its agents to make contact and confirm compliance with the quarantine requirement. Completed forms shall not be public records. DPH may share completed forms with persons authorized to assist in the administration of this Order but shall otherwise maintain the confidentiality of all information on completed forms. DPH or its agents shall destroy or delete completed Massachusetts Travel Forms and individual-specific information 60 days after the date of submission if no longer required for enforcement proceedings.

3. Release from Quarantine Requirement

A person required to quarantine pursuant to this Order shall be permitted to leave Massachusetts prior to the expiration of the mandatory 14-day period, provided the person complies with DPH-issued rules for departure.

4. Circumstance-Specific Exceptions

The requirements established in this Order shall not apply to persons arriving in Massachusetts in the following limited circumstances:

(a) *Persons in Transit*: any person who passes through Massachusetts only in the course of transit to another place, provided that this exception shall extend only so long as is reasonably required for the person to complete his or her transit, make any necessary airplane, bus, train, or other travel connection, or make use of travel services such as at a highway rest stop

(b) *Persons Commuting for Work or School*: any person who resides within Massachusetts and who must regularly commute to a fixed place of work or school outside of Massachusetts or any person who resides outside of Massachusetts and who must regularly commute to a fixed place of work or school within Massachusetts, provided that in either case, this exception shall extend only to travel between the person's residence and place of work or school

(c) *Patients Receiving Medical Treatment*: any patient who must travel to Massachusetts in order to seek or receive specialized medical care from a physician located in the Commonwealth and persons accompanying and providing needed support to the patient

(d) *Military Personnel*: any person who is required to travel to Massachusetts at the order or directive of a Federal or State military authority

(e) *Persons Performing Critical Infrastructure Services*: any person who enters Massachusetts to perform a critical infrastructure function, provided that this exception shall apply only when such person is actively engaged in performing that function and at all other times a person entering under this exception shall be required to comply with the quarantine requirement unless some other exemption applies. For purposes of this Order, the term "critical infrastructure function" shall mean work performed by Critical Infrastructure Workers as specified in Version 3.1 of the listing published by the Federal Cybersecurity and Infrastructure Security Agency and dated May 19, 2020.

The Commissioner of DPH may issue protocols to address other extraordinary circumstances where quarantine is not advisable, subject to my approval and provided such protocols provide adequate alternative measures to safeguard the public health.

5. Implementing Guidance and Enforcement

The Commissioner of DPH is directed to issue binding guidance, subject to my approval, to implement the terms of this Order. The DPH guidance shall include, without limitation (a) specifications for testing methods and protocols that will satisfy proof of a negative COVID-19 test as required under Section 1 of this Order; and (b) detailed rules for required quarantining

DPH shall enforce this Order and if necessary may do so with the assistance of State or municipal police or any other agency that I may formally designate at the request of the Commissioner of DPH. A local board of health or its authorized agent pursuant to G. L. c. 111, § 20 shall be authorized to enforce the Order when requested by DPH to provide assistance.

Violation of the terms of this Order or the DPH guidance may result in a civil fine of up to \$500 per violation, in the manner provided for in G. L. c. 277, § 70C. Each day of failure to quarantine when required and each other instance of non-compliance may be treated as a separate violation and may result in a separate \$500 civil fine. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order or any directives, regulations, or guidance issued on its authority may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The generally applicable COVID-19 Workplace Safety Rules adopted in Section 2 of COVID-19 Order No. 33 are hereby amended to include the following additional provision:

- Employers should take measures to ensure employees comply with all State-issued rules concerning out of state Travel for any employer-paid or employer-reimbursed travel.

In addition, I hereby direct the Commissioner of DPH to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed.

This Order shall be effective at 12:01 am on August 1, 2020. This Order shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 10:25 AM this 24th day
of July, two thousand and twenty



CHARLES D. BAKER
GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**THIRD REVISED ORDER REGULATING GATHERINGS
THROUGHOUT THE COMMONWEALTH**

COVID-19 Order No. 46

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, the CDC has issued guidance for large gatherings and community events, such as conferences, festivals, parades, concerts, sporting events, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities;

WHEREAS, that CDC guidance states that, while virtual-only activities are the safest, the risks associated with in-person events can be reduced if they are held outdoors, remain small, and participants maintain 6 feet of distance and wear face coverings;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services and prohibited gatherings of more than 10 people;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, again in response to sustained improvements in the public health data at the time, on July 2, 2020, I issued COVID-19 Order No. 44, which rescinded the 10 person limitation on gatherings and set a maximum gatherings limitation of 25 persons for indoor gatherings and 100 persons for outdoor gatherings, with exceptions for certain businesses and organizations governed by sector-specific guidance and for outdoor gatherings organized for the purposes of political expression;

WHEREAS, contrary to the sustained improvements in the public health data in the preceding period, over the last 3 weeks, the 7-day rolling average of percent positive COVID-19 molecular tests has increased from approximately 1.7% each day to approximately 2.1% each day and the 7-day rolling average number of confirmed cases from 166 to 234 over the same period;

WHEREAS, clusters of COVID-19 infections have been traced to house parties in the Commonwealth and in other States experiencing increases in infection rates, suggesting that gatherings are contributing to the current rise in cases in the Commonwealth and that increased vigilance and enforcement of safety measures for gatherings is necessary;

WHEREAS, the statewide increase in the rate of transmission means that it is appropriate to reduce the allowances on outdoor gatherings so as to continue to minimize opportunities for person-to-person spread of the COVID-19 virus while the Commonwealth remains in the midst of the COVID-19 public health emergency; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. *Entities Subject to Sector-Specific Rules:* A business or other organization that has been designated by Executive Order as a Phase I, Phase II, or Phase III enterprise and that is permitted to open its brick-and-mortar premises to workers and the public shall not be subject to the general gathering limitations in Section 3 of this Order, if the enterprise is operating in compliance with COVID-19 safety rules and any applicable capacity limitation issued by the Department of Public Health, the Department of Labor Standards, the Massachusetts Gaming Commission, or the Executive Office of Energy and Environmental Affairs.

Phase IV enterprises shall remain closed, consistent with the requirements of the Order Authorizing the Re-Opening of Phase III Enterprises (COVID-19 Order No. 43).

2. *Gatherings for Political Expression and Religious Activities.* Outdoor gatherings for the purpose of political expression and gatherings for religious activities shall not be subject to the limitations in Section 3 of this Order; provided, however, that indoor gatherings for the purposes of political expression shall be governed by the indoor limitations of Section 3, and gatherings for the purpose of religious services shall follow the COVID-19 safety rules and capacity limitations set forth in the Places of Worship sector-specific guidance.
3. *Otherwise Applicable Indoor and Outdoor Gathering Limits:* The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 and 2:
 - Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space.
 - Outdoor gatherings are limited to 25% of the maximum permitted occupancy of the facility or space as documented in the occupancy permit on record with the municipal building department or other municipal record holder if there is a capacity limitation on record, or 8 persons per 1,000 square feet where no occupancy limitation is on record, and never more than 50 persons in a gathering in a single outdoor space.
 - All participants in indoor and outdoor gatherings must maintain at least 6 feet of physical distance from every other participant in the gathering aside from participants who are members of the same household. A gathering shall violate this provision where, no matter the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.

Gatherings that are subject to the limitations of this Section include, without limitation, community, civic, public, leisure, sporting events, concerts, conferences, conventions, fundraisers, fairs, festivals, road races, and other similar events or activities. Except as provided in Sections 1 and 2, these restrictions apply to gatherings in all public and private venues and locations in the Commonwealth, including private homes, backyards, parks, athletic fields, and parking lots.

This Order does not impose a general capacity limitation on large, unenclosed public spaces such as beaches, parks, and recreation areas. Capacity limitations for such spaces set by other rules and regulations shall continue to apply. The limitations of this Order are instead specifically applicable to programs, celebrations, social outings, and similar events that draw together groups of people. Such gatherings are subject to the limitations of this Order when they take place within large, unenclosed public spaces such as beaches, parks, and recreation areas or within any other indoor or outdoor space, public or private, that falls within the scope of this Order.

4. *Face Coverings:* For gatherings of more than 10 people, all persons over the age of two must wear a face covering when they attend indoor and outdoor gatherings where participants other than those in the same household will be in attendance, unless they are prevented from wearing a face covering by a medical or disabling condition. This restriction applies to gatherings in all venues and locations, including private homes, backyards, parks, athletic fields, and parking lots.
5. *Legal Exceptions:* This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:
 - a. Any municipal legislative body, the General Court, or the Judiciary
 - b. Federal governmental entities
 - c. Any health care facility or licensed health care provider
 - d. Any of the following workplaces or facilities with specialized functions and populations:
 - Polling places
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
 - and any other facility or workplace that the Commissioner of Public Health may in writing exempt from the terms of this Order
6. *Enforcement.* The Department of Public Health, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to

enforce this Order. Violation of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that the fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged. The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action upon satisfactory proof that the licensee has violated or permitted a violation of this Order.

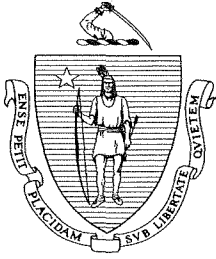
If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

The Second Revised Order Regulating Gatherings Throughout the Commonwealth (COVID-19 Order No. 44) is hereby rescinded effective 12:01 am on August 11 2020.

This Order shall be effective 12:01 am on August 11, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:45 AM/PM this 7th
day of August, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER AMENDING THE ADMINISTRATION OF PENALTIES ISSUED PURSUANT
 TO CERTAIN COVID-19 ORDERS**

COVID-19 Order No. 48

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on May 1, I issued COVID-19 Order No. 31, which required that face coverings be worn in public when social distancing is not possible and at all times on public transportation and in retail settings;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities

across the Commonwealth, provided that those businesses and other organizations permitted to reopen comply with general and sector-specific workplace safety rules;

WHEREAS, on July 24, 2020, I issued COVID-19 Order No. 45, which required all persons arriving to the Commonwealth, aside from those traveling from a designated list of lower-risk states, to quarantine for 14-days or produce a negative COVID-19 test result from a test administered within 72-hours of arrival, subject to certain enumerated exceptions;

WHEREAS, in response to a statewide increase in the rate of transmission, on August 7, I issued COVID-19 Order No. 46, which reduced the permitted size of outdoor gatherings and required face coverings to be worn by those attending gathering of more than 10 people;

WHEREAS, the Commonwealth's ability to control the spread of COVID-19 depends on continued adherence to the requirements adopted in these Orders;

WHEREAS, in order to support and standardize municipal and State efforts to ensure compliance with these COVID-19 safety mandates, it is critical that local and State authorities have a clear and consistent process available to them to enforce these requirements, and that the courts have clear instruction on how to process civil citations issued for violations of these requirements; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

All fines issued pursuant to the following COVID-19 Orders and their applicable guidance shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D, notwithstanding any contrary provision in such Orders:

- Order Requiring Face Coverings in Public Places Where Social Distancing Is Not Possible (COVID-19 Order No. 31)
- Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19 (COVID-19 Order No. 33)
- Order Authorizing the Re-Opening of Phase II Enterprises (COVID-19 Order No. 37)
- Order Further Advancing the Re-Opening of Phase II Enterprises (COVID-19 Order No. 40)

- Order Authorizing the Re-Opening of Phase III Enterprises (COVID-19 Order No. 43)
- Order Instituting a Mandatory 14-Day Quarantine Requirement for Travelers Arriving in Massachusetts (COVID-19 Order No. 45)
- Third Revised Order Regulating Gatherings Throughout the Commonwealth (COVID-19 Order No. 46)

As provided in G. L. c. 40, § 21D, a duly-authorized person or entity may apply for the issuance of a complaint for the violation of the applicable COVID-19 Order if any person fails to pay a fine issued pursuant to such Order within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding.

The adoption of this uniform method for processing violations shall not modify the maximum fines, limit any other method of enforcement, or modify any other term specified in the above Orders.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:05 AM/PM this
18th day of August, two thousand and
twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER MAKING CERTAIN PHASE III ADJUSTMENTS

COVID-19 Order No. 50

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV

enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the Commonwealth has maintained a continuing trend of improvement in public health data during the phased re-opening of workplaces and other facilities, which permits continuing, gradual relaxation of restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data;

WHEREAS, expanded opportunities for outdoor dining, as approved by local authorities, have provided valuable support to restaurants and a popular amenity to the public that should be permitted to continue during the state of emergency without interruption or undue complication;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, variance of the terms and conditions of licenses, permits, and certificates of registration issued by the Commonwealth or by any of its agencies or political subdivisions, and regulation of the sale of articles of food and household articles;

NOW, THEREFORE, I hereby Order the following:

1. Extension of Outdoor Dining Provisions

Notwithstanding chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for expansion of outdoor table service or extensions of earlier granted approvals, including a local licensing authority (“LLA”) approving a request for a change in the description of licensed premises for the purpose of permitting outdoor alcohol service, until a date beyond November 1, 2020, as specified in this Section. For the purposes of this Order, “outdoor table service” shall mean restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space.

Before approving any request made under this Order or extending a prior approval issued pursuant to Section 4 of COVID-19 Order No. 35, a city, town, or LLA may modify the scope of any prior approval issued pursuant to Section 4 of COVID-19 Order No. 35 as the city, town, or LLA deems proper and appropriate including, without limitation, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic, or similar concerns.

The provisions of Section 4 of COVID-19 Order No. 35 shall apply to any request for an extension of an earlier granted approval or an expansion of outdoor table service or for approval of a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service made pursuant to this Section except that (i) the definition of outdoor table service adopted in paragraph 1 of this Section shall apply; and (ii) such approvals may extend until the date specified below.

Any approval issued under this Section shall remain in effect until 60 days past the end of the state of emergency or such earlier date the city or town establishes in granting the approval, whichever is sooner, at which time any approval issued under this Section, including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to any approval issued under either this Section or Section 4 of COVID-19 Order No. 35.

Any approval issued under Section 4 of COVID-19 Order No. 35 for expanded outdoor table service, including any amended license issued by an LLA changing the description of the licensed premises for the purpose of permitting outdoor alcohol service as a result of COVID-19 Order No. 35 shall remain in effect until November 1, 2020, unless the city or town approves a request to extend such approval pursuant to this Order or otherwise deems such approval automatically extended consistent with all other provisions of this Order.

2. Opening of Indoor and Outdoor Gaming Arcades

Effective at 12:01 am on September 17, 2020, indoor and outdoor gaming arcades may open their brick-and-mortar premises to workers, customers, and the public, and restaurants, indoor and outdoor recreational facilities, and other enterprises with gaming devices on their premises may permit these devices to be used by patrons. Schedule A to COVID-19 Order No. 43 is hereby amended, as attached, to reflect this adjustment.

The Director of the Department of Labor Standards (“DLS”) shall issue, subject to my approval, COVID-19 workplace safety rules to address the particular circumstances and operational needs of indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons. These rules shall serve as “Sector-Specific Rules” for such activities and facilities as that term is defined in Section 4 of COVID-19 Order No. 43.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:15 AM/PM this
10th day of September, two thousand and
twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 43
as revised by COVID-19 Order No. 50, effective September 17, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises ● Movie theatres ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls ● Indoor and outdoor gaming arcades and associated gaming devices [a] <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits [a] ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	<p>dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</p> <ul style="list-style-type: none"> • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including <ul style="list-style-type: none"> ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events • Overnight camps (Summer 2021) <p>This listing is subject to amendment.</p>
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Note: Amendment from the version of Exhibit A adopted in COVID-19 Order No. 43 (July 2, 2020) designated by the marker “[a].”



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER FURTHER ADVANCING PHASE III RE-OPENINGS IN MUNICIPALITIES
WITH REDUCED INCIDENCE OF COVID-19 INFECTION**

COVID-19 Order No. 51

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities;

WHEREAS, a sustained trend of improvement in public health data for the Commonwealth has supported a continuing, carefully phased relaxation of restrictions on businesses and other organizations, provided that such adjustments can only be maintained or expanded on the basis of continuing positive trends in the public health data;

WHEREAS, public health data measuring the incidence of COVID-19 can be monitored at the level of the individual municipality, and this permits a targeted relaxation of restrictions on businesses and other organizations operating in municipalities that demonstrate a lower incidence rate of infection over a sustained period; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Advancement of Lower Risk Communities to Phase III, Step 2

Effective October 5, 2020, municipalities that qualify as “Lower Risk Communities” based on metrics reported by the Department of Public Health (“DPH”) and as described below shall advance to Step 2 of Phase III of the Commonwealth’s phased Re-Opening Plan. Municipalities that do not qualify as Lower Risk Communities shall not advance to Step 2 of Phase III.

For the purposes of this Order, a “Lower Risk Community” shall mean a community that, as of the date of the most recent weekly COVID-19 Public Health Report published by DPH, has had an average daily incidence rate of 8 or fewer cases per 100,000 residents as recorded in each of the 3 most recent 14-day measurement periods (the “Lower Risk metric”).

Within Lower Risk Communities, upon the commencement of Step 2 of Phase III:

- a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto may open their brick-and-mortar premises to workers, customers, and the public;
- b. Phase I, II, and III enterprises, as identified in Schedule A, may begin operating pursuant to revised Sector-Specific COVID-19 workplace safety rules, issued under the authority of COVID-19 Orders No. 33, 37, and 43, that may provide for increased capacity and other adjustments to safety protocols upon the commencement of Step 2 of Phase III; and
- c. Revised capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 52, of even date with this Order, or pursuant to any later Order further adjusting capacity allowances for gatherings.

A municipality that does not qualify as a Lower Risk Community shall subsequently qualify as a Lower Risk Community and shall advance to Step 2 of Phase III upon the publication by DPH of a weekly COVID-19 Public Health Report documenting that the municipality meets the Lower Risk metric specified above.

2. Requirement of Continuing Lower Risk Status

A municipality that qualifies as a Lower Risk Community, either on October 5, 2020 or subsequently, shall cease to qualify as a Lower Risk Community if at any time in a weekly report published by DPH the municipality has had an average daily incidence rate of more than 8 cases per 100,000 residents as recorded in each of the 3 most recent 14-day measurement periods.

Within a municipality that ceases to qualify as a Lower Risk Community, rules and allowances applicable to Step 1 of Phase III shall apply. Accordingly:

- a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto must immediately close their brick-and-mortar premises to workers, customers, and the public;
- b. Phase I, II, and III enterprises, as identified in Schedule A, may not operate pursuant to revised Sector-Specific COVID-19 workplace safety rules providing for increased capacity and other adjustments applicable to enterprises operating under Step 2 of Phase III; and
- d. Reduced capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 52, of even date with this Order, or pursuant to any later Order further adjusting capacity allowances for gatherings.

3. COVID-19 Workplace Safety Rules for Step 2 of Phase III

The Director of the Department of Labor Standards shall issue, subject to my approval (i) Sector-Specific COVID-19 workplace safety rules, as that term is defined in Section 4 of COVID-19 Order No. 43, applicable to Step 2 enterprises permitted to open their brick-and-

mortar premises to workers, customers, and the public as provided in Section 2 of this Order; and (ii) revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments for Phase I, III, and III enterprises also as provided in Section 2 of this Order.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to Step 2 enterprises authorized to open their premises pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:44 AM/PM this
29th day of September, two thousand and
twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A
to COVID-19 Order No. 51 issued September 29, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises ● Movie theatres ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls ● Indoor and outdoor gaming arcades and associated gaming devices <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	<p>dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</p> <ul style="list-style-type: none">• Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000• Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including<ul style="list-style-type: none">○ Stadiums, arenas, and ballparks○ Dance floors○ Exhibition and convention halls• Street festivals and parades and agricultural festivals• Road races and other large, outdoor organized amateur or professional group athletic events• Overnight camps (Summer 2021) <p>This listing is subject to amendment.</p>
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OFFICE OF THE GOVERNOR
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 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**PHASE III, STEP 2 ORDER REGULATING GATHERINGS
 IN THE COMMONWEALTH**

COVID-19 Order No. 52

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, the CDC has issued guidance for large gatherings and community events recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities;

WHEREAS, that CDC guidance states that, while virtual-only activities are the safest, the risks associated with in-person events can be reduced if they are held outdoors, remain small, and participants maintain 6 feet of distance and wear face coverings;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the

COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services and prohibited gatherings of more than 10 people;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, again in response to sustained improvements in the public health data at the time, on July 2, 2020, I issued COVID-19 Order No. 44, which rescinded the 10 person limitation on gatherings and set a maximum gatherings limitation of 25 persons for indoor gatherings and 100 persons for outdoor gatherings, subject to certain exceptions and sector-specific allowances;

WHEREAS, due to reports of non-compliance with the gatherings limitations, on August 7, 2020, I issued COVID-19 Order No. 46, which reduced the limitation on outdoor gatherings to 50 persons and instituted a requirement that attendees at gatherings with more than 10 people wear face coverings;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures;

WHEREAS, as stated in COVID-19 Order No. 51, effective the same day as this Order, public health data measuring the incidence of COVID-19 can be monitored at the level of the individual municipality, and this permits a targeted relaxation of restrictions on outdoor gatherings in municipalities that demonstrate a measurably lower incidence rate of infection over a sustained period;

WHEREAS, compliance with safety protocols can be effectively overseen and monitored by public health authorities when gatherings are conducted at outdoor event venues and public settings, which permits the adoption of higher capacity limitations in such venues; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but

not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. *Entities Subject to Sector-Specific Rules:* With the exception of events and gatherings subject to the Indoor and Outdoor Events Guidance issued by the Department of Labor Standards, any Phase I, II, or III enterprise shall not be subject to the limitations in Section 3 of this Order if the enterprise is operating in compliance with applicable sector-specific COVID-19 safety rules and any applicable capacity limitations issued under the authority of an executive order.

All indoor and outdoor events shall be required to comply with both the limitations and requirements in Section 3 of this Order and the sector-specific safety rules for Indoor and Outdoor Events, except if the gathering or event is exempt pursuant to Section 2.

2. *Gatherings for Political Expression and Religious Activities.* Gatherings for religious activities shall not be subject to the limitations in Section 3 of this Order; provided, however, that such gatherings shall follow the COVID-19 safety rules and capacity limitations set forth in the Places of Worship sector-specific rules. Outdoor gatherings for the purpose of political expression shall also not be subject to the limitations of Section 3. Indoor gatherings for the purposes of political expression shall follow the indoor capacity limitations of Section 3.
3. *Otherwise Applicable Indoor and Outdoor Gathering Limits and Requirements:* The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 or 2, including, without limitation, all social, community, civic, public, and leisure events, as well as conferences, conventions, fundraisers, and other similar events or assemblies. Workers and staff shall not count towards the capacity limitations set forth in this Section.
 - a. *Required Social Distancing:* In addition to the capacity restrictions specified below, all participants in indoor and outdoor gatherings, including gatherings at private residences, must maintain at least 6 feet of physical distance from every other participant in the gathering except where participants are members of the same household. A gathering shall violate this provision where, no matter the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.
 - b. *All Indoor Gatherings:* Indoor gatherings are limited to 25 persons in a single enclosed, indoor space.

- c. *Outdoor Gatherings at Private Residences and Other Spaces:* Outdoor gatherings at private residences and in private backyards and at any other venue or location not included in subsection (d) are limited to a maximum of 50 people.
 - d. *Outdoor Gatherings at Event Venues and in Public Settings:* The capacity limitations in this subsection shall apply to outdoor gatherings held in settings open to the public and at event venues, clubs, parks, and other outdoor venues or spaces, public or private, that are regularly used or available for gatherings through lease, license, permit, contract, reservation, or similar arrangement.
 - i. In Lower Risk Communities, as defined in COVID-19 Order No. 51, gatherings at event venues and in public settings, as defined above, are limited to a maximum of 100 persons in a single venue or space.
 - ii. In communities that do not qualify as Lower Risk Communities, gatherings at event venues and in public settings, as defined above, are limited to a maximum of 50 persons in a single venue or space.
 - e. *Notification to Local Boards of Health:* For outdoor gatherings where more than 50 attendees are anticipated, the operator of the event venue shall provide notice to the Local Board of Health in the municipality where the gathering is located at least 1 week before the event is scheduled, or otherwise as soon as possible where 1 week notice is not practicable due to the nature of the event (e.g., memorial services). For events held in public places like parks, the event organizer shall be responsible for providing notice. The notification shall include, at minimum, the location and time of the planned event, the name and contact information of the event organizer, the number of anticipated attendees, and any other information reasonably requested by the Local Board of Health.
4. *Face Coverings:* For gatherings of more than 10 people, all persons over the age of 5 must wear a face covering when they attend indoor and outdoor gatherings where participants other than those in the same household will be in attendance, unless they are prevented from wearing a face covering by a medical or disabling condition. This restriction applies to gatherings in all venues and locations.
5. *Legal Exceptions:* This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:
- a. Any municipal legislative body, the General Court, or the Judiciary
 - b. Federal governmental entities
 - c. Any health care facility or licensed health care provider

- d. Any of the following workplaces or facilities with specialized functions and populations:
- Polling places
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
 - and any other facility or workplace that the Commissioner of Public Health may exempt in writing from the terms of this Order

6. *Enforcement.* The Department of Public Health, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that the fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged. The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action upon satisfactory proof that the licensee has violated or permitted a violation of this Order.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

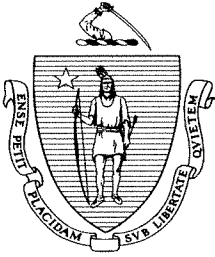
The Third Revised Order Regulating Gatherings Throughout the Commonwealth (COVID-19 Order No. 46) is hereby rescinded effective 12:01 am on October 5, 2020.

This Order shall be effective 12:01 am on October 5, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:46 AM/PM this
29th day of September, two thousand and
twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER REQUIRING EARLY CLOSING FOR CERTAIN BUSINESSES AND
ACTIVITIES, LIMITING HOURS FOR ALCOHOL AND
ADULT USE CANNABIS SALES, AND MODIFYING CHAPTER 138
LICENSE RENEWAL REQUIREMENTS**

COVID-19 Order No. 53

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of large number of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, commencing with COVID-19 Order No. 33 issued on May 18, 2020 and continuing through COVID-19 Order No. 51 issued on September 29, 2020, I issued a series of executive orders that designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permits periodic adjustments to safety measures;

WHEREAS, the Commonwealth has seen an increase in cases since its lowest point in July, and there has been a steep increase in cases during the month of October. On September 26, the 7-day daily average of new confirmed cases was 385, whereas as of October 31, the 7-day daily average of new confirmed cases was 1,214;

WHEREAS, the Commonwealth's COVID-19-related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past 2 months. On August 31, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 290, whereas on November 1, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 613. The COVID-19 ICU census was 47 on September 9, whereas on November 1, the COVID-19 ICU census was 113, with 55 individuals intubated. As of November 1, 67% of hospital beds were full, and during the month of October a number of hospitals reported using surge capacity;

WHEREAS, the public health data indicate that informal social activity is contributing to the rise in cases, as evidenced by the fact that household transmission and social gatherings represent 88% of all new and ongoing COVID-19 clusters identified as of September 27;

WHEREAS, left unchecked, the current COVID-19 case growth poses a risk to the Commonwealth's healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity;

WHEREAS, the Department of Public Health has today issued a Stay at Home Advisory that urges all persons in the Commonwealth to remain at home between the hours of 10:00 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives;

WHEREAS, certain establishments that hold licenses issued pursuant to section 12 of chapter 138 of the General Laws (a "section 12 license") authorizing the sale of alcoholic beverages for on-premises consumption remain closed to the public because of business disruptions caused by COVID-19, and certain others are not permitted to open to the public until Phase IV of the Commonwealth's Re-Opening Plan; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses, permits or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions, and regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;

NOW, THEREFORE, I hereby Order the following:

1. Mandatory Night-Time Closing Period for Certain Businesses and Activities

Effective at 12:01 AM on November 6, 2020, all businesses, facilities, or activities included within the categories listed below must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the “mandatory closing period”). Except as otherwise specifically permitted below, during the daily mandatory closing period, businesses, facilities, or activities within the categories listed below may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of affected businesses, facilities, or activities may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

Businesses, facilities, and activities subject to the daily mandatory closing period:

1. Restaurants, provided however that restaurants may offer food and non-alcoholic beverages for take-out and by delivery during the mandatory closing period
2. Arcades and Other Indoor and Outdoor Recreation
3. Indoor and Outdoor Events
4. Indoor and Outdoor Theaters, Movie Theaters, and Performance Venues
5. Drive-In Movie Theaters
6. Youth and Adult Amateur Sports Activities
7. Golf Facilities
8. Recreational Boating and Boating Businesses
9. Outdoor Recreational Experiences and Educational Activities
10. Casinos, Horse Racing Tracks, and Simulcast Facilities
11. Driving and Flight Schools
12. Zoos, Botanical Gardens, Wildlife Reserves, and Nature Centers
13. Close Contact Personal Services
14. Fitness Centers and Health Clubs
15. Indoor and Outdoor Pools (Public and Semi-Public Swimming Pools)

16. Museums/Cultural & Historical Facilities/Guided Tours

Categories of businesses, facilities, and activities listed above correspond to enterprise sectors established in Exhibit A to COVID-19 Order No. 51 and further defined in Sector-Specific COVID-19 Safety Rules and related guidance documents and protocols issued and administered by the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission. Those agencies are each authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.

2. Restriction on Service and Sale of Alcohol and Adult-Use Cannabis During Mandatory Closing Period

Effective at 12:01 AM on November 6, 2020, the following restrictions shall apply to the service and sale of alcohol and the sale of adult-use cannabis:

Service and Sale of Alcohol. During the daily mandatory closing period established in Section 1, no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol service or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

This restriction shall not displace any provisions of Chapter 138 or Chapter 23K or of any license issued under those authorities that may establish more restrictive limitations on the hours during which a licensee may offer sale or service or provision of alcohol each day.

Retail Sale of Adult-Use Cannabis. During the daily mandatory closing period established in Section 1, no individual, business, organization, establishment, premises, or entity holding or operating under a marijuana retailer license issued pursuant to Chapter 94G of the General Laws may sell adult-use cannabis or adult-use cannabis products of any kind to any person anywhere in the Commonwealth.

For violations of the restrictions established in this Section, each individual sale or delivery or service made during the mandatory closing period may be treated as a separate violation for purposes of administering fines and other penalties.

3. Renewal of Chapter 138 Licenses by Establishments Remaining Closed During the State of Emergency

Notwithstanding anything to the contrary in section 12 of Chapter 138 of the General Laws, the holder of a section 12 license that remains closed to the public during the state of

emergency shall be permitted to renew its section 12 license for 2021 pursuant to section 16A of the same chapter with the benefit of the following allowances:

- a. A licensee shall not be required to submit proof of having liquor liability insurance, provided, however, that no licensee that has renewed its license under this allowance may re-open to the public without first submitting to the licensing authority proof of a current liquor liability insurance policy that names the licensee as the insured and that otherwise meets the requirements of section 12. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any liquor liability insurance policy obtained under the terms of this allowance; and
- b. A licensee shall not be required to submit proof of having a workers' compensation insurance policy, provided, however, that (1) no licensee that has renewed its license under this allowance shall have any payroll at the time of renewal; and (2) no licensee that has renewed its license under this allowance shall commence operations that involve employees or re-open to the public without first providing satisfactory proof of workers' compensation insurance as required by a municipal licensing authority. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any such workers' compensation insurance policy obtained under the terms of this allowance.

A rescission of this Order or a termination of the state of emergency shall not invalidate any section 12 license that was renewed pursuant to this Section during the period in which this Order was in effect.

4. Enforcement Provisions

The Department of Public Health, the Department of Labor Standards, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the restrictions adopted in Sections 1 or 2 of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. Each individual instance of non-compliance and each day of a continuing violation may be fined as a separate violation.

This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

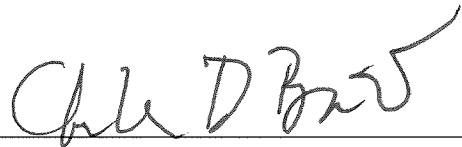
The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action

upon satisfactory proof that the licensee has violated or permitted a violation of Section 1 or 2 of this Order.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Sections 1 and 2 of this Order are effective at 12:01 AM on November 6, 2020, and Section 3 is effectively immediately. This Order shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

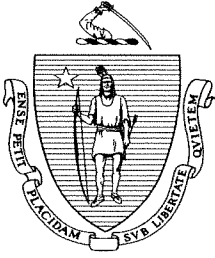
Given in Boston at 1:50 AM/PM this 2nd
day of November, two thousand and twenty

A handwritten signature in cursive script, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**REVISED ORDER FURTHER REGULATING
GATHERINGS IN THE COMMONWEALTH**

COVID-19 Order No. 54

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have determined that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and environments where the virus may be transmitted;

WHEREAS, the CDC has issued guidance for large gatherings and community events recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities;

WHEREAS, that CDC guidance states that, while virtual-only activities are the safest, the risks associated with in-person events can be reduced if they are held outdoors, remain small, and participants maintain 6 feet of distance and wear face coverings;

WHEREAS, since March 13, 2020, I have issued a series of executive orders setting limitations on the numbers of persons who may gather in the Commonwealth, and have adjusted those limitations periodically according to the public health data available at the time;

WHEREAS, acting pursuant to the authority of executive orders, the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission (each a “regulating agency”) have each issued sector-specific COVID-19 safety rules that set capacity limitations and other standards for safe operation of enterprises permitted to open their premises to the public under Phase I, II, or III of the Commonwealth’s Re-Opening Plan;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permit periodic adjustments to safety measures;

WHEREAS, as stated in COVID-19 Order No. 51, public health data measuring the incidence of COVID-19 can be monitored at the level of the individual municipality, and this permits a targeted relaxation of restrictions on outdoor gatherings in municipalities that demonstrate a measurably lower incidence rate of infection over a sustained period;

WHEREAS, compliance with safety protocols can be effectively overseen and monitored by public health authorities when gatherings are conducted at outdoor event venues and in public settings, which permits the adoption of higher capacity limitations for such venues;

WHEREAS, household transmission and social gatherings represent 88% of all new and ongoing clusters identified as of September 27th, which warrants heightened caution and reduced capacity limits for gatherings hosted at private residences;

WHEREAS, the Commonwealth has seen an increase in cases since its lowest point in July, and there has been a steep increase in cases during the month of October. On September 26, the 7-day daily average of new confirmed cases was 385, whereas as of October 31, the 7-day daily average of new confirmed cases was 1,214;

WHEREAS, the Commonwealth’s COVID-19-related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past 2 months. On August 31, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 290, whereas on November 1, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 613. The COVID-19 ICU census was 47 on September 9, whereas on November 1, the COVID-19 ICU census was 113, with 55 individuals intubated. As

of November 1, 67% of hospital beds were full and during the month of October, and a number of hospitals reported using surge capacity;

WHEREAS, left unchecked, the current COVID-19 case growth poses a risk to the Commonwealth's healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity;

WHEREAS, the Department of Public Health has today issued a Stay at Home Advisory that urges all persons in the Commonwealth to remain at home between the hours of 10:00 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. **Entities Subject to Sector-Specific Rules**: With the exception of events and gatherings subject to the Indoor and Outdoor Events Guidance issued by the Department of Labor Standards, any Phase I, II, or III enterprise shall not be subject to the limitations in Section 3 of this Order if the enterprise is operating in compliance with applicable sector-specific COVID-19 safety rules and any applicable capacity limitations issued by a regulating agency under the authority of an executive order.

All indoor and outdoor events shall be required to comply with both the limitations and requirements in Section 3 of this Order and the sector-specific safety rules for Indoor and Outdoor Events, except if the gathering or event is exempt pursuant to Section 2.

2. **Gatherings for Political Expression and Religious Activities**: Gatherings for religious activities shall not be subject to the limitations in Section 3; provided, however, that such gatherings shall follow the COVID-19 safety rules and capacity limitations set forth in the Places of Worship sector-specific rules. Outdoor gatherings for the purpose of political expression shall also not be subject to the limitations of Section 3. Indoor gatherings for the purposes of political expression shall follow the indoor capacity limitations of Section 3.
3. **Otherwise Applicable Indoor and Outdoor Gathering Limits and Requirements**: The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 or 2 of this Order, including, without limitation, all social, community, civic, public, and leisure

events, as well as conferences, conventions, fundraisers, and other similar events or assemblies. Members of the same household, when assembled together with no other non-household members present, do not constitute a gathering and shall not be subject to the capacity limitations in this Section. Workers and staff present to provide services to participants shall not count towards the capacity limitations in this Section.

For the purposes of this section, the term “event venue or public setting” shall include any setting open to the public and any event venue, club, park, or other venue or space, public or private, that is used or available for gatherings through lease, license, permit, contract, reservation, or similar arrangement

- a. *Required Social Distancing:* In addition to the capacity restrictions specified below, all participants in indoor and outdoor gatherings, including gatherings at private residences, must maintain at least 6 feet of physical distance from every other participant in the gathering, except where participants are members of the same household. A gathering shall violate this provision where, no matter the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.
- b. *Gatherings at Private Residences:*
 1. Indoor gatherings at private residences and in any other place not falling within the definition of an event venue or public setting are limited to a maximum of 10 people.
 2. Outdoor gatherings at private residences and in any other place not falling within the definition of an event venue or public setting are limited to a maximum of 25 people.
- c. *Gatherings at Event Venues and in Public Settings:*
 1. Indoor gatherings at event venues or in public settings are limited to a maximum of 25 people.
 2. The following capacity limitations shall apply to outdoor gatherings at event venues or in public settings:
 - i. In Lower Risk Communities, as defined in COVID-19 Order No. 51 or in any successor order, gatherings at event venues or in public settings are limited to a maximum of 100 persons in a single venue or space.
 - ii. In communities that do not qualify as Lower Risk Communities, gatherings at event venues or in public settings are limited to a maximum of 50 persons in a single venue or space.

d. *Notification to Local Boards of Health:* For outdoor gatherings in Lower Risk Communities where more than 50 attendees are anticipated, the operator of the event venue shall provide notice to the Local Board of Health in the municipality where the gathering is located at least 1 week before the event is scheduled, or otherwise as soon as possible where 1 week notice is not practicable due to the nature of the event (e.g., memorial services). For events held in public places like parks where more than 50 attendees are anticipated, the event organizer shall be responsible for providing this notice. The notification shall include, at minimum, the location and time of the planned event, the name and contact information of the event organizer, the number of anticipated attendees, and any other information reasonably requested by the Local Board of Health.

4. **Time Limitation:** All gatherings, no matter the size or location, must end and participants must disperse by 9:30 pm, with the exceptions of religious gatherings and political gatherings.
5. **Face Coverings:** Consistent with the Revised Order Requiring Face Coverings in Public Places (COVID-19 Order No. 55), all persons over the age of 5 must wear masks or cloth face coverings over their mouth and nose when in a public location, including at gatherings in public, except as provided in Section 2 of COVID-19 Order No. 55.

Masks or face coverings are encouraged at all indoor and outdoor gatherings at private homes, but are only required when such gatherings include more than 10 people and where attendees include non-household members.

6. **Contact Tracing:** If a host or event venue is notified that an event attendee or event worker has tested positive for COVID-19, the event host or event venue must immediately notify the Local Board of Health in the city or town where the event took place. Hosts and event venues must assist the Department of Public Health and Local Boards of Health with contact tracing and case investigations, including, upon request, providing lists of attendees at social gatherings and their contact information. Event hosts and venues who fail to timely report positive cases or cooperate with contact tracing and case investigations may be subject to the penalties listed in Section 8.
7. **Legal Exceptions:** This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:
 - a. Any municipal legislative body, the General Court, or the Judiciary
 - b. Federal governmental entities
 - c. Any health care facility or licensed health care provider

- d. Any of the following workplaces or facilities with specialized functions and populations:
- Polling places
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
 - Any other facility or workplace that the Commissioner of Public Health may exempt in writing from the terms of this Order

8. **Enforcement:** The Department of Public Health, Local Boards of Health and their authorized agents pursuant to G.L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, to be assessed on any person, organization, or business responsible for organizing, hosting, or allowing a gathering conducted in violation of the Order, or, in the alternative, against the owner, lessee, or other person who has legal control of the property where the gathering occurs. Each person over the permissible gathering limitation in Section 3 may be treated and counted as a separate violation. Any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action upon satisfactory proof that the licensee has violated or permitted a violation of this Order.

9. **Effective Date:** This Order shall be effective 12:01 AM on November 6, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

The Phase III, Step 2 Order Regulating Gatherings in the Commonwealth (COVID-19 Order No. 52) is hereby rescinded effective 12:01 AM on November 6, 2020.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Given in Boston at 1:00 AM/PM this 2nd day of November, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER REVISING PROVISIONS FOR PHASE III RE-OPENINGS IN
MUNICIPALITIES WITH REDUCED INCIDENCE OF COVID-19 INFECTION**

COVID-19 Order No. 56

Superseding and Rescinding Order No. 51

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on September 29, 2020, I issued COVID-19 Order No. 51, which, effective October 5, authorized the reopening of Phase III, Step 2 enterprises in municipalities with reduced incidence of COVID-19 infection;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities;

WHEREAS, a sustained improvement in public health data for the Commonwealth permits a phased relaxation of restrictions on businesses and other organizations, provided, however, that such adjustments can only be maintained or expanded on the basis of continuing positive trends in the public health data;

WHEREAS, public health data measuring the incidence of COVID-19 can be monitored at the level of the individual municipality, and this permits a targeted relaxation of restrictions on businesses and other organizations operating in municipalities that demonstrate a lower incidence rate of infection over a sustained period; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Advancement of Lower Risk Communities to Phase III, Step 2

Enterprises in municipalities that qualify as “Lower Risk Communities” may operate according to rules applicable to Step 2 of Phase III of the Commonwealth’s phased Re-Opening Plan. Enterprises in municipalities that do not qualify as Lower Risk Communities must comply with rules applicable to Step 1 of Phase III.

For the purposes of this Order, a “Lower Risk Community” shall mean a municipality that meets criteria established by the Commissioner of the Department of Public Health as published on the Massachusetts COVID-19 response website (the “Lower Risk metric”). The Commissioner may from time to time publish adjustments to the metric as warranted by changes in the available public health data and the developing understanding of the nature of the COVID-19 virus.

Within a municipality determined to be a Lower Risk Community and authorized to advance to or remain in Step 2 of Phase III:

- a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto may open their brick-and-mortar premises to workers, customers, and the public;
- b. Phase I, II, and III enterprises, as identified in Schedule A, may operate pursuant to revised Sector-Specific COVID-19 workplace safety rules, issued under the authority of COVID-19 Orders No. 33, 37, and 43, that may provide for increased capacity and other adjustments to safety protocols upon the commencement of Step 2 of Phase III operations; and
- c. Revised capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 54, or pursuant to any later Order further adjusting capacity allowances for gatherings.

The Commissioner may establish a reasonable timeframe in which the adjustments listed in subsections (a)-(c) above shall be effective once a municipality has qualified as a Lower Risk Community.

2. Requirement of Continuing Lower Risk Status

A municipality that qualifies as a Lower Risk Community, either as of November 9, 2020 or subsequently, shall cease to qualify as a Lower Risk Community if at any time the municipality fails to meet the Lower Risk metric.

Within a municipality that ceases to qualify as a Lower Risk Community, rules and allowances applicable to Step 1 of Phase III shall apply. Accordingly:

- a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto must close their brick-and-mortar premises to workers, customers, and the public;
- b. Phase I, II, and III enterprises, as identified in Schedule A, may not operate pursuant to revised Sector-Specific COVID-19 workplace safety rules providing for increased capacity and other adjustments applicable to enterprises operating under Step 2 of Phase III; and
- c. Reduced capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 54, or pursuant to any later Order further adjusting capacity allowances for gatherings.

The Commissioner may establish a reasonable timeframe in which the adjustments listed in subsections (a)-(c) above shall be effective once a municipality has ceased to qualify as a Lower Risk Community.

3. COVID-19 Workplace Safety Rules for Step 2 of Phase III

The Director of the Department of Labor Standards shall issue, subject to my approval (i) Sector-Specific COVID-19 workplace safety rules, as that term is defined in Section 4 of COVID-19 Order No. 43, applicable to Step 2 enterprises permitted to open their brick-and-mortar premises to workers, customers, and the public as provided in Section 2 of this Order; and (ii) revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments for Phase I, III, and III enterprises also as provided in Section 2 of this Order.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to Step 2 enterprises authorized to open their premises pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective on November 9, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first. Effective November 9, 2020, COVID-19 Order No. 51 is rescinded.

Given in Boston at 1:00 AM/PM this 6th day of November, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A
to COVID-19 Order No. 56 effective November 9, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises ● Movie theatres ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls ● Indoor and outdoor gaming arcades and associated gaming devices <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	<p>dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</p> <ul style="list-style-type: none">• Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000• Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including<ul style="list-style-type: none">○ Stadiums, arenas, and ballparks○ Dance floors○ Exhibition and convention halls• Street festivals and parades and agricultural festivals• Road races and other large, outdoor organized amateur or professional group athletic events• Overnight camps (Summer 2021) <p>This listing is subject to amendment.</p>
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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**FURTHER REVISED ORDER REGULATING
GATHERINGS IN THE COMMONWEALTH**

COVID-19 Order No. 57

Superseding and Rescinding Order No. 54

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have determined that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and environments where the virus may be transmitted;

WHEREAS, the CDC has issued guidance for large gatherings and community events recognizing that gatherings can significantly contribute to the spread of COVID-19 and introduce the virus to new communities;

WHEREAS, that CDC guidance states that, while virtual-only activities are the safest, the risks associated with in-person events can be reduced if they are held outdoors, remain small, and participants maintain 6 feet of distance and wear face coverings;

WHEREAS, since March 13, 2020, I have issued a series of executive orders setting limitations on the numbers of persons who may gather in the Commonwealth and have adjusted those limitations periodically according to the public health data available at the time;

WHEREAS, acting pursuant to the authority of executive orders, the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission (each a “regulating agency”) have each issued sector-specific COVID-19 safety rules that set capacity limitations and other standards for safe operation of enterprises permitted to open their premises to the public under Phase I, II, or III of the Commonwealth’s Re-Opening Plan;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permit periodic adjustments to safety measures;

WHEREAS, as of December 7, 2020, the Department of Public Health has reported 250,022 confirmed cases of COVID-19 and the average daily rate of COVID-19 incidence per 100,000 is 35.7;

WHEREAS, the Commonwealth has seen a significant increase in its 7-day average of new daily confirmed cases of COVID-19: as of December 6, 2020, the daily average was 3,509 compared to 1,837 on November 8;

WHEREAS, the Commonwealth has likewise seen a significant increase in its 7-day weighted average of positive molecular test rate: as of December 6, 2020, the rate was 5.5% compared to 2.7% on November 8;

WHEREAS, between Thanksgiving and December 6, hospitalizations for COVID-19 in the Commonwealth increased 54% from 986 to 1,516 admissions;

WHEREAS, as of December 7, 2020, the Executive Office of Health and Human Services has moved all regions in Massachusetts to the Tier 3 designation of the Resurgence Planning and Response Framework due to decreasing hospital capacity and increasing community transmission of COVID-19;

WHEREAS, left unchecked, current COVID-19 case growth poses a risk to the Commonwealth’s healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but

not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. **Entities Subject to Sector-Specific Rules:** With the exception of events and gatherings subject to the Indoor and Outdoor Events Guidance issued by the Department of Labor Standards, a Phase I, II, or III enterprise shall not be subject to the limitations in Section 3 of this Order if the enterprise is operating in compliance with applicable sector-specific COVID-19 safety rules and any applicable capacity limitations issued by a regulating agency under the authority of an executive order.

All indoor and outdoor events shall be required to comply with both the limitations and requirements in Section 3 of this Order and the sector-specific safety rules for Indoor and Outdoor Events, except if the gathering or event is exempt pursuant to Section 2.

2. **Gatherings for Political Expression and Religious Activities:** Gatherings for religious activities shall not be subject to the limitations in Section 3; provided, however, that such gatherings shall follow the COVID-19 safety rules and capacity limitations set forth in the Places of Worship sector-specific rules. Outdoor gatherings for the purpose of political expression shall also not be subject to the limitations of Section 3. Indoor gatherings for the purposes of political expression shall follow the indoor capacity limitations of Section 3.
3. **Otherwise Applicable Indoor and Outdoor Gathering Limits and Requirements:** The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 or 2 of this Order, including, without limitation, all social, community, civic, public, and leisure events, as well as conferences, conventions, fundraisers, and other similar events or assemblies. Members of the same household, when assembled together with no other non-household members present, do not constitute a gathering and shall not be subject to the capacity limitations in this Section. Workers and staff present to provide services to participants shall not count towards the capacity limitations in this Section.

For the purposes of this section, the term “event venue or public setting” shall include any setting open to the public and any event venue, club, park, or other venue or space, public or private, that is used or available for gatherings through lease, license, permit, contract, reservation, or similar arrangement

- a. *Required Social Distancing:* In addition to the capacity restrictions specified below, all participants in indoor and outdoor gatherings, including gatherings at private residences, must maintain at least 6 feet of physical distance from every other

participant in the gathering, except where participants are members of the same household. A gathering shall violate this provision where, no matter the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.

b. *Gatherings at Private Residences:*

1. Indoor gatherings at private residences and in any other place not falling within the definition of an event venue or public setting are limited to a maximum of 10 people.
2. Outdoor gatherings at private residences and in any other place not falling within the definition of an event venue or public setting are limited to a maximum of 25 people.

c. *Gatherings at Event Venues and in Public Settings:*

1. Indoor gatherings at event venues or in public settings are limited to a maximum of 25 people.
2. Outdoor gatherings at event venues or in public settings are limited to a maximum of 50 persons in a single venue or space.

d. *Notification to Local Boards of Health:* For outdoor gatherings where more than 25 attendees are anticipated, the operator of the event venue shall provide notice to the Local Board of Health in the municipality where the gathering is located at least 1 week before the event is scheduled, or otherwise as soon as possible where 1 week notice is not practicable due to the nature of the event (e.g., memorial services). For events held in public places like parks where more than 25 attendees are anticipated, the event organizer shall be responsible for providing this notice. The notification shall include, at minimum, the location and time of the planned event, the name and contact information of the event organizer, the number of anticipated attendees, and any other information reasonably requested by the Local Board of Health.

4. ~~**Time Limitation:** All gatherings, no matter the size or location, must end and participants must disperse by 9:30 pm, with the exceptions of religious gatherings and political gatherings.~~

Section 4 of Order #57 rescinded by Order #62 effective January 25, 2021

5. ~~**Face Coverings:**~~ Consistent with the Revised Order Requiring Face Coverings in Public Places (COVID-19 Order No. 55), all persons over the age of 5 must wear masks or cloth face coverings over their mouth and nose when in a public location, including at gatherings in public, except as provided in Section 2 of COVID-19 Order No. 55.

Masks or face coverings are encouraged at all indoor and outdoor gatherings at private homes, but are only required when such gatherings include more than 10 people and where attendees include non-household members.

6. **Contact Tracing**: If a host or event venue is notified that an event attendee or event worker has tested positive for COVID-19, the event host or event venue must immediately notify the Local Board of Health in the city or town where the event took place. Hosts and event venues must assist the Department of Public Health and Local Boards of Health with contact tracing and case investigations, including, upon request, providing lists of attendees at social gatherings and their contact information. Event hosts and venues who fail to timely report positive cases or cooperate with contact tracing and case investigations may be subject to the penalties listed in Section 8.
7. **Legal Exceptions**: This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:
 - a. Any municipal legislative body, the General Court, or the Judiciary
 - b. Federal governmental entities
 - c. Any health care facility or licensed health care provider
 - d. Any of the following workplaces or facilities with specialized functions and populations:
 - Polling places
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
 - Any other facility or workplace that the Commissioner of Public Health may exempt in writing from the terms of this Order
8. **Enforcement**: The Department of Public Health, Local Boards of Health and their authorized agents pursuant to G.L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, to be assessed on any person, organization, or business responsible for organizing, hosting, or allowing a gathering conducted in violation of the Order, or, in the alternative, against the owner, lessee, or other

person who has legal control of the property where the gathering occurs. Each person over the permissible gathering limitation in Section 3 and each individual instance of non-compliance with the requirements of this Order may be treated as a separate violation. Any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action upon satisfactory proof that the licensee has violated or permitted a violation of this Order.

9. **Effective Date:** This Order shall be effective 12:01 am on December 13, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

The Revised Order Further Regulating Gatherings in the Commonwealth (COVID-19 Order No. 54) is hereby rescinded effective 12:01 am on December 13, 2020.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Given in Boston at 12:45 AM/PM this 8th day of December, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
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(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER RETURNING ALL MUNICIPALITIES TO
PHASE III, STEP 1 COVID-19 SAFETY RULES**

COVID-19 Order No. 58

Superseding and Rescinding Order No. 56

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on September 29 and November 6, 2020, I issued COVID-19 Order Nos. 51 and 56 which authorized the reopening of Phase III, Step 2 enterprises and the application of relaxed capacity rules and other allowances in municipalities determined to be “Lower-Risk Communities” based on a reduced incidence of COVID-19 infection;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities;

WHEREAS, as of December 7, 2020, the Department of Public Health has reported 250,022 confirmed cases of COVID-19 and the average daily rate of COVID-19 incidence per 100,000 is 35.7;

WHEREAS, the Commonwealth has seen a significant increase in its 7-day average of new daily confirmed cases of COVID-19: as of December 6, 2020, the daily average was 3,509 compared to 1,837 on November 8;

WHEREAS, the Commonwealth has likewise seen a significant increase in its 7-day weighted average of positive molecular test rate: as of December 6, 2020, the rate was 5.5% compared to 2.7% on November 8;

WHEREAS, between Thanksgiving and December 6, hospitalizations for COVID-19 in the Commonwealth increased 54% from 986 to 1,516 admissions;

WHEREAS, as of December 7, 2020, the Executive Office of Health and Human Services has moved all regions in Massachusetts to the Tier 3 designation of the Resurgence Planning and Response Framework due to decreasing hospital capacity and increasing community transmission of COVID-19;

WHEREAS, left unchecked, current COVID-19 case growth poses a risk to the Commonwealth’s healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and

household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Statewide Return to Phase III, Step 1 COVID-19 Safety Rules

Effective at 12:01 am on December 13, COVID-19 Order No. 56, is rescinded, and all enterprises authorized to open their brick-and-mortar premises to workers, customers, and the public under the Commonwealth's phased Re-Opening Plan must comply with rules applicable to Step 1 of Phase III of the Re-Opening Plan.

Accordingly, effective at 12:01 am on December 13, 2020, in every municipality in the Commonwealth:

- a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto must close their brick-and-mortar premises to workers, customers, and the public;
- b. Phase I and II enterprises, and Phase III, Step 1 enterprises, all as identified in Schedule A, may only operate pursuant to Step 1 Sector-Specific COVID-19 workplace safety rules issued pursuant to Section 2 of this Order. Earlier-issued Sector-Specific rules applicable to Step 2 of Phase III, which permitted enterprises located in "Lower-Risk Communities" to operate with increased capacity allowances and other adjustments, are hereby withdrawn; and
- c. Reduced capacity allowances for gatherings shall apply uniformly in every municipality as provided in COVID-19 Order No. 57, or as provided in any later Order further adjusting capacity allowances for gatherings.

2. Step 1 Adjustments to COVID-19 Workplace Safety Rules

The Director of the Department of Labor Standards and the Secretary of the Executive Office for Energy and Environmental Affairs shall issue, subject to my approval, revised Sector-Specific COVID-19 workplace safety rules for Phase I and II enterprises, and Phase III, Step 1 enterprises as necessary to respond to the increased prevalence of COVID-19 infections that has required the return to Step 1 rules across the Commonwealth.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement shall continue to apply to all Phase I, II, III enterprises authorized to open their brick-and-mortar premises.

Accordingly, any violation of the terms of this Order or any directives, regulations, or guidance issued pursuant to or to enforce this Order may result in a civil fine as provided in

Section 4 of COVID-19 Order No. 37, provided, however, that as provided in St. 1950, c. 639, § 8, a fine of up to \$500 per violation may apply. Each individual instance of non-compliance and each day of continuing non-compliance may be fined as a separate violation. Any penalties issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective at 12:01 am on December 13, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:15 AM/PM this 8th day of December, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

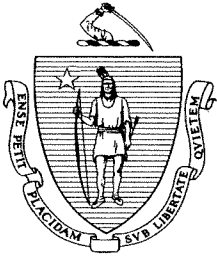
Schedule A
to COVID-19 Order No. 58 effective December 13, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DLS, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks ○ mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools

	<ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises ● Movie theatres ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls ● Indoor and outdoor gaming arcades and associated gaming devices <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000

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| | <ul style="list-style-type: none">• Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000• Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including<ul style="list-style-type: none">○ Stadiums, arenas, and ballparks○ Dance floors○ Exhibition and convention halls• Street festivals and parades and agricultural festivals• Road races and other large, outdoor organized amateur or professional group athletic events• Overnight camps (Summer 2021) |
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This listing is subject to amendment.



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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER TEMPORARILY APPLYING FURTHER CAPACITY
RESTRICTIONS TO STATEWIDE COVID-19 SAFETY RULES**

COVID-19 Order No. 59

Revising Restrictions Otherwise Applicable Pursuant to Orders No. 57 and 58

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities;

WHEREAS, on December 8, 2020, in response to sustained increases across the Commonwealth over the prior 30 days in the number of new daily confirmed cases of COVID-19 and in positive testing rates and a corresponding rise in hospitalizations following the Thanksgiving holiday, I issued COVID-19 Order Nos. 57 and 58, which together reduced capacity allowances for gatherings generally, required the adjustment of certain COVID-19 workplace safety rules issued under prior Orders, and closed certain higher-risk enterprises across the Commonwealth;

WHEREAS, as of December 22, 2020, the Department of Public Health has reported 314,850 confirmed cases of COVID-19 and the average daily rate of COVID-19 incidence per 100,000 has risen to 65.1;

WHEREAS, the Commonwealth has seen a significant increase in its 7-day average of new daily confirmed cases of COVID-19: as of December 17, 2020, the daily average was 4,053 as compared to 1,837 on November 8;

WHEREAS, the Commonwealth has likewise seen a significant increase in its 7-day weighted average of positive molecular test rate: as of December 17, 2020, the rate was 6.1% as compared to 2.7% on November 8;

WHEREAS, between Thanksgiving and December 21, hospitalizations for COVID-19 in the Commonwealth more than doubled from 986 to 1,991 admissions;

WHEREAS, as of December 7, 2020, the Executive Office of Health and Human Services has moved all regions in Massachusetts to the Tier 3 designation of the Resurgence Planning and Response Framework due to decreasing hospital capacity and increasing community transmission of COVID-19;

WHEREAS, this pattern of continuing COVID-19 case growth in the Commonwealth, if left unchecked, poses an increasing risk to the Commonwealth's healthcare system, and enhanced intervention to suppress the continuing transmission of the virus is therefore necessary to moderate case growth and preserve hospital capacity; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

Temporary Statewide Reduction of Capacity Limitations and Associated Rules

Effective at 12:01 am on December 26, 2020 and continuing for the period in which this Order remains in effect, the State-wide capacity limitations for gatherings and events set in COVID-19 Order No. 57 and any capacity limitations set in Sector-Specific COVID-19 workplace safety rules issued under the authority of COVID-19 Order No. 58 or prior Orders are hereby superseded and revised as specified for the sectors listed on the table below.

The Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and any other agency or commission authorized by prior Order to issue COVID-19 workplace safety rules (each a “regulating agency”) are hereby directed to provide notice to the public and to enterprises subject to the revised capacity limitations applicable during the period in which this Order remains in effect.

Sector	Revised Capacity Limits [†]	Notes
Gatherings (adjusting Order No. 57)	10 persons indoors 25 persons outdoors	applies to both private homes and event venues and public spaces
Restaurants	25% of seating capacity	(a) workers/staff excluded from occupancy count; (b) applies separately to indoor and outdoor capacity
Close Contact Personal Services	25%	workers/staff excluded from occupancy count
Indoor and Outdoor Events	10 persons indoors 25 persons outdoors	workers/staff excluded from occupancy count
Theaters and Performance Venues (Indoor performance venues remain closed)	Movie theaters – 25% and maximum 50 people Outdoor performance venues – 25% and maximum 25 people	
Casinos	25%	MGC to re-issue capacity rules as necessary
Office Spaces	25%	
Places of Worship	25%	workers/staff excluded from occupancy count

Retail Businesses	25%	workers/staff excluded from occupancy count
Driving and Flight Schools	25%	
Golf Facilities	25%	applies only to indoor spaces
Libraries	25%	
Operators of Lodgings	25%	applies only to common areas
Arcades & Other Indoor & Outdoor Recreation Businesses	25%	
Fitness Centers and Health Clubs	25%	
Museums / Cultural & Historical Facilities / Guided Tours by vehicles and vessels	25%	
Sectors Not Otherwise Addressed	25%	
Common Areas in facilities subject to EEA-issued COVID-19 safety rules	25%	applies only to indoor spaces and excludes youth and amateur sports facilities
† General Provision: Where no licensed or permitted capacity allowance is on record and for any enclosed space within a larger facility, occupancy shall be limited to no more than 5 persons per 1,000 square feet.		

Except as otherwise noted, the above references to percentage capacity limits shall apply to a facility's maximum permitted occupancy as documented in its occupancy permit or similar license or permit on record with the municipal building department or other municipal record holder.

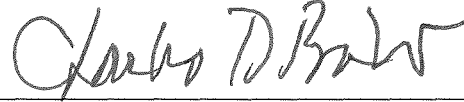
Adjustments to the above table will be published where necessary to facilitate practical application of the required capacity limitations.

Except for the specified adjustments to capacity limitations, all other terms of COVID-19 Order No. 57 addressing gatherings generally (including exceptions) and all Sector-Specific COVID-19 workplace safety rules issued by a regulating agency and in effect as of December 26, 2020 shall continue to apply, including minimum spacing and social distancing requirements. Allowances to exceed maximum capacity limitations shall be available as currently provided in COVID-19 workplace safety rules in order to accommodate public health or public safety considerations or where strict compliance may interfere with the continued delivery of critical services.

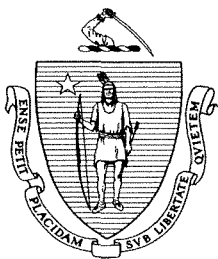
The capacity limitations specified in this Order shall be enforceable under the terms of COVID-19 Order No. 57 when applied to gatherings subject to that Order and under the terms of Section 2 of COVID-19 Order No. 58 when applied to enterprises regulated pursuant to COVID-19 safety rules issued by a regulating agency. Each person over the specified capacity limitation and each individual instance of non-compliance with the requirements of this Order or any directives, rules, or binding guidance issued pursuant to this Order may be treated as a separate violation.

This Order is effective at 12:01 am on December 26, 2020 and shall remain in effect until 12:00 noon on January 10, 2021 unless further extended.

Given in Boston at 12:01 AM/PM this
22nd day of December, two thousand and
twenty

A handwritten signature in black ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER EXTENDING APPLICATION OF ADDITIONAL CAPACITY
 RESTRICTIONS TO STATEWIDE COVID-19 SAFETY RULES**

COVID-19 Order No. 60

Extending the Operation of Order No. 59

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, since declaring the state of emergency, I have issued a series of Orders that have required the temporary closing of certain businesses and other facilities and that have otherwise instituted certain capacity limitations, all in order to reduce opportunities for spreading the COVID-19 virus within the Commonwealth;

WHEREAS, on December 8, 2020, in response to sustained increases across the Commonwealth in the number of new daily confirmed cases of COVID-19 and a corresponding rise in hospitalizations, I issued COVID-19 Order Nos. 57 and 58, which together and for the reasons recited in those Orders, reduced then applicable capacity limitations for gatherings,

required the adjustment of certain COVID-19 workplace safety rules issued under prior Orders, including capacity limitations, and closed certain higher-risk enterprises across the Commonwealth;

WHEREAS, on December 22, 2020, in response to a troubling pattern of continuing COVID-19 case growth in the Commonwealth and the resulting concern that, unless suppressed, case growth could put unmanageable pressure on the Commonwealth's healthcare system, I issued COVID-19 Order No. 59, which imposed additional across the board capacity restrictions for gatherings, events, and a range of other business sectors and other enterprises;

WHEREAS, the positive test rate for COVID-19 outside of higher education has nearly doubled from 4.8 percent in the days before Thanksgiving to 9.4 percent today;

WHEREAS, the Commonwealth saw a single day record of over 8,300 cases of COVID-19 diagnosed on December 28, nearly 2,000 more than any prior day;

WHEREAS, as a result of these increases, the Commonwealth has experienced continuing declines in available hospital capacity, including more than a 50 percent reduction since Thanksgiving, and now faces significant constraint on acute care hospital capacity across the Commonwealth;

WHEREAS, under the Department of Public Health's Resurgence Planning and Response guidance, the statewide hospital system designation is currently at Tier 4, the highest level of concern, and the 7-day average acute care bed availability is at 17 percent statewide, indicating ongoing capacity constraints that warrant immediate intervention;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

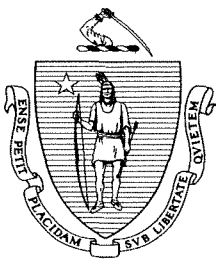
The provisions of COVID-19 Order No. 59 are hereby extended and shall remain in effect until 12:00 noon on January 24, 2021 unless further extended by subsequent Order.

This Order is effective immediately.

Given in Boston at 11:45 ~~AM~~ PM this 7th
day of January, two thousand and twenty-
one

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER FURTHER EXTENDING APPLICATION OF ADDITIONAL CAPACITY
RESTRICTIONS TO STATEWIDE COVID-19 SAFETY RULES
AND RESCINDING EARLY CLOSING REQUIREMENTS**

COVID-19 Order No. 62

Further Extending the Operation of Order No. 59
Rescinding Early Closing Requirements of Order Nos. 53 and 57

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, since declaring the state of emergency, I have issued a series of Orders that have required the temporary closing of certain businesses and other facilities and that have otherwise instituted certain capacity limitations and safety protocols, all in order to reduce opportunities for spreading the COVID-19 virus within the Commonwealth;

WHEREAS, in response to a pattern of continuing COVID-19 case growth in the Commonwealth and the resulting, developing pressure placed on hospital capacity, on November

2, 2020, I issued COVID-19 Order No. 53 to require the early closing of certain businesses and activities, and on December 22, 2020, I issued COVID-19 Order No. 59, which imposed reduced, across the board capacity restrictions for gatherings, events, and a range of other business sectors and other enterprises;

WHEREAS, recent trends in public health data for the Commonwealth show modest positive trends in certain key indicators, including a decline in the statewide 7-day average positive test rate for COVID-19 from 7.11 percent as of January 13 to 5.86 percent as of January 20, 2021, and stabilization in the acute care hospital occupancy rate over the same period, while at the same time, under the Department of Public Health's Resurgence Planning and Response guidance, the statewide hospital system's designation remains at Tier 4, the highest level of concern, which indicates significant ongoing capacity constraints;

WHEREAS, the recent stabilizing trends in public health data permit a limited adjustment of certain narrowly targeted restrictions on businesses and other organizations, while continuing pressure on hospital capacity warrants the extension of other, protective measures with broader applicability and effect; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Extension of Statewide Reduction of Capacity Limitations and Associated Rules

The provisions of COVID-19 Order No. 59, which imposed reduced, across the board capacity restrictions for gatherings, events, and a range of other business sectors and other enterprises, are hereby further extended and shall remain in effect until 5:00 AM on February 8, 2021 unless further extended by subsequent Order.

COVID-19 Order No. 60, which previously extended the operation of COVID-19 Order No. 59, is hereby rescinded immediately.

2. Repeal of Mandatory Night-Time Closing Period for Certain Businesses and Activities

Effective at 5:00 AM on January 25, 2021, Sections 1 and 2 of COVID-19 Order No. 53 are rescinded and the nightly mandatory closing period imposed by Order No. 53 on certain

businesses, facilities, and activities shall no longer be in effect. More specifically, upon the rescinding of those foregoing Sections:

- a. the nightly 9:30 PM to 5:00 AM mandatory closing period established for businesses, facilities, or activities included within the categories listed in Section 1 of Order No. 53 shall no longer in be effect;
- b. the prohibition on any sale, service, or provision of alcohol during the nightly 9:30 PM to 5:00 AM mandatory closing period, as imposed by Section 2 of Order No. 53, shall no longer be in effect; and
- c. the prohibition on the retail sale of adult-use cannabis and cannabis products during the nightly 9:30 PM to 5:00 AM mandatory closing period, as imposed by Section 2 of Order No. 53, shall no longer be in effect.

Section 3 of COVID-19 Order No. 53, which provides special accommodations during the state of emergency for the renewal of licenses issued pursuant to Section 12 of Chapter 138, shall remain unchanged and in effect.

3. Rescinding of Time Limitation on Gatherings

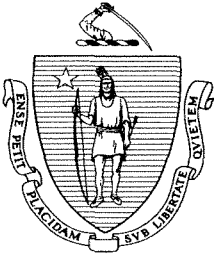
Effective at 5:00 AM on January 25, 2021, Section 4 of COVID-19 Order No. 57 is rescinded and the requirement that gatherings subject to the provisions of that Section must end by 9:30 PM shall no longer be in effect. All gatherings and events in the Commonwealth shall remain subject to the capacity limitations adopted in COVID-19 Order No. 59, as extended pursuant to Section 1 of this Order.

Section 1 of this Order is effective immediately, and COVID-19 Order No. 60 is rescinded effective immediately. Sections 2 and 3 of this Order are effective at 5:00 AM on January 25, 2021.

Given in Boston at 4:00 AM/PM this 21st day of January, two thousand and twenty-one



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**FURTHER REVISED ORDER REGULATING
GATHERINGS IN THE COMMONWEALTH**

COVID-19 Order No. 63

Superseding and Rescinding Order No. 57

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control (“CDC”) have determined that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and environments where the virus may be transmitted;

WHEREAS, the CDC has issued guidance strongly discouraging large gatherings and community events and explaining that such gatherings are among the primary means of spreading COVID-19 and introducing the virus to new communities;

WHEREAS, that CDC guidance states that, while virtual-only activities are the safest, the risks associated with in-person events can be reduced if they are held outdoors, remain small, and participants maintain 6 feet of distance and wear face coverings;

WHEREAS, since March 13, 2020, I have issued a series of executive orders setting limitations on the numbers of persons who may congregate at in-person gatherings and events in the Commonwealth and have adjusted those limitations periodically according to the public health data available at the time;

WHEREAS, acting pursuant to authority granted by executive order, the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission (each a “Regulating Agency”) have each issued sector-specific COVID-19 safety rules that set capacity limitations and other standards for the safe operation of enterprises permitted to open their premises to the public under Phase I, II, or III of the Commonwealth’s Re-Opening Plan;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permit periodic adjustments to safety measures;

WHEREAS, due to significant increases in confirmed cases and hospitalizations in November and December, I issued COVID-19 Order No 59, which temporarily reduced capacity and gathering limitations below the limits applicable under a previously-issued Order;

WHEREAS, the public health data has recently improved, as illustrated by the fact that the 7-day average of COVID-19 confirmed cases was at 2,913 on January 31, as compared to 6,237 on January 8, and that the 7-day average of hospitalizations for COVID-19 was 1,824 on January 31 as compared to 2,347 on January 7;

WHEREAS, despite these improvements, the number of patients requiring treatment for COVID-19 continues to put pressure on hospital capacity, with all regions in Massachusetts currently at the Tier 3 designation of the Department of Public Health’s Resurgence Planning and Response Framework, indicating ongoing capacity constraints that warrant continuing protective measures to moderate case growth and preserve hospital capacity; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. **Entities Subject to Sector-Specific Rules:** With the exception of events and gatherings subject to the Indoor and Outdoor Events Guidance issued by the Department of Labor Standards, a Phase I, II, or III enterprise shall not be subject to the limitations in Section 3 of this Order if the enterprise is operating in compliance with applicable sector-specific COVID-19 safety rules and any applicable capacity limitations issued by a Regulating Agency under the authority of an executive order.

All indoor and outdoor events shall be required to comply with both the limitations and requirements in Section 3 of this Order and the sector-specific safety rules for Indoor and Outdoor Events, except if the gathering or event is exempt pursuant to Section 2.

2. **Gatherings for Political Expression and Religious Activities:** Gatherings for religious activities shall not be subject to the limitations in Section 3; provided, however, that such gatherings shall follow the COVID-19 safety rules and capacity limitations set forth in the Places of Worship sector-specific rules issued by the Department of Labor Standards. Outdoor gatherings for the purpose of political expression shall also not be subject to the limitations of Section 3. Indoor gatherings for the purposes of political expression shall follow the indoor capacity limitations of Section 3.

3. **Otherwise Applicable Indoor and Outdoor Gathering Limits and Requirements:** The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 or 2 of this Order, including, without limitation, all social, community, civic, public, and leisure events, as well as conferences, conventions, fundraisers, and other similar events or assemblies. These limitations apply to both gatherings held at private residences and gatherings held at event venues and in public settings.

Members of the same household, when assembled together with no other non-household members present, do not constitute a gathering and shall not be subject to the capacity limitations in this Section. Workers and staff present to provide services to participants shall not count towards the capacity limitations in this Section.

a. Gathering Limits:

1. Indoor gatherings are limited to a maximum of 10 people.
2. Outdoor gatherings are limited to a maximum of 25 people.

These limits may be adjusted from time to time based on developments in the public health data. Such adjustments may be published as appendices to this Order.

b. Required Social Distancing: In addition to the capacity restrictions specified above, all participants in indoor and outdoor gatherings, including gatherings at private residences, must maintain at least 6 feet of physical distance from every other participant in the gathering, except where participants are members of the same household. A gathering shall violate this provision where, no matter the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.

4. **Face Coverings:** All persons over the age of 5 must wear masks or cloth face coverings over their mouth and nose when in a public location, as specified in the Revised Order Requiring Face Coverings in Public Places (COVID-19 Order No. 55). This rule applies to all gatherings held in places open to the public, including any event venue, club, park or other venue or space, public or private, that is used for gatherings except as provided in Section 2 of COVID-19 Order No. 55.

Masks or face coverings are encouraged at all indoor and outdoor gatherings at private homes, but are only required when such gatherings include more than 10 people and where attendees include non-household members.

5. **Contact Tracing:** If a host or event venue is notified that an event attendee or event worker has tested positive for COVID-19, the event host or event venue must immediately notify the Local Board of Health in the city or town where the event took place. Hosts and event venues must assist the Department of Public Health and Local Boards of Health with contact tracing and case investigations, including, upon request, providing lists of attendees at social gatherings and their contact information. Event hosts and venues who fail to timely report positive cases or cooperate with contact tracing and case investigations may be subject to the penalties listed in Section 7.

6. **Legal Exceptions:** This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations:
 - Polling places
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and emergency residential programs operating under emergency authorization

- Facilities operated by the Department of Correction or any Sheriff
- Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
- Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
- Any other facility or workplace that the Commissioner of Public Health may exempt in writing from the terms of this Order

7. **Enforcement:** The Department of Public Health, Local Boards of Health and their authorized agents pursuant to G.L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, to be assessed on any person, organization, or business responsible for organizing, hosting, or allowing a gathering conducted in violation of the Order, or, in the alternative, against the owner, lessee, or other person who has legal control of the property where the gathering occurs. Each person over the permissible gathering limitation in Section 3 and each individual instance of non-compliance with the requirements of this Order may be treated as a separate violation. Any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

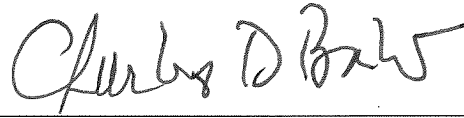
The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action upon satisfactory proof that the licensee has violated or permitted a violation of this Order.

8. **Effective Date:** This Order shall be effective at 5:01 am on February 8, 2021 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

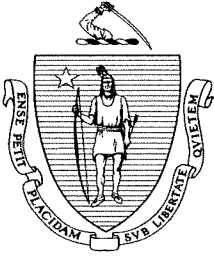
The Further Revised Order Regulating Gatherings in the Commonwealth (COVID-19 Order No. 57) is hereby rescinded effective 5:01 am on February 8, 2021.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Given in Boston at 12:15 AM/PM this 4th
day of February, two thousand and twenty-
one

A handwritten signature in black ink, reading "Charles D. Baker". The signature is written in a cursive style with a large initial "C" and a stylized "B".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER ADVANCING ALL COMMUNITIES TO
PHASE III, STEP 2 OF THE COMMONWEALTH'S REOPENING PLAN**

COVID-19 Order No. 65

Superseding and Rescinding Order No. 58

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on December 13, 2020, in response to concerning COVID-19 case growth and the resulting pressure placed on hospital capacity, I returned the Commonwealth to Phase III, Step 1 of the re-opening plan;

WHEREAS, there have been sustained improvements in the public health data since the beginning of January, including a decline in the 7-day average of confirmed COVID-19 cases from 6,241 on January 8, 2021 to 1,157 on February 23, and a decline in the 7-day average of hospitalizations from 2,347 on January 7 to 956 hospitalizations on February 23;

WHEREAS, at the same time, vaccinations have become available for certain populations within the Commonwealth and a total of 1,518,481 vaccination doses have been administered as of February 24, including 433,593 second doses;

WHEREAS, this improvement in the public health data permits a phased relaxation of restrictions on businesses and other organizations, provided, however, that such adjustments can only be maintained or expanded on the basis of continuing positive trends in the public health data; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Advancement to Phase III, Step 2

Effective March 1, 2021 in all municipalities in the Commonwealth, businesses and other organizations that are designated as **Phase III, Step 2 enterprises on the attached Schedule A** may open their brick-and-mortar premises to workers, customers, and the public.

Phase I, II, and III enterprises, as identified in Schedule A, may operate pursuant to revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments to safety protocols upon the effective date of Step 2 of Phase III.

2. COVID-19 Workplace Safety Rules for Phase III, Step 2

The Director of the Department of Labor Standards shall issue, subject to my approval (i) Sector-Specific COVID-19 workplace safety rules for Phase III, Step 2 enterprises permitted to open their brick-and-mortar premises pursuant to Section 1 of this Order; and (ii) revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments for Phase I, III, and III enterprises.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to Phase III, Step 2 enterprises that are authorized to open their premises pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

Effective March 1, 2021, COVID-19 Order No. 58 is rescinded.

This Order is effective at 12:01 am on March 1, 2021 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:11 AM/PM this
25th day of February, two thousand and
twenty-one



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A
to COVID-19 Order No. 65 effective March 1, 2021

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs—no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes [a] • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks ○ mini golf, go karts, batting cages, climbing walls, ropes courses

	<ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ◦ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing tracks and simulcast facilities • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including <ul style="list-style-type: none"> ◦ cardio/weight rooms/locker rooms/inside facilities ◦ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ◦ indoor common areas ◦ indoor swimming pools ◦ indoor racquet courts and gymnasiums ◦ locker rooms ◦ excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises • Movie theatres • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Motion picture, television, and video streaming production • Fishing and hunting tournaments and other amateur or professional derbies • Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises • Indoor event spaces such as meeting rooms, ballrooms, and private party rooms—only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls • Indoor and outdoor gaming arcades and associated gaming devices <p><u>Step 2</u></p> <ul style="list-style-type: none"> • Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises • Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV [a]	<p><u>Step 1</u></p> <ul style="list-style-type: none"> • Stadiums, arenas, and ballparks, and other large capacity venues (indoor and outdoor) used for spectator sports, entertainment, or similar performances • Exhibition and convention halls • Overnight camps (Summer 2021)

	<ul style="list-style-type: none"> • Dance floors at events only <p><u>Step 2</u></p> <ul style="list-style-type: none"> • Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Dance floors <u>not</u> at events • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events
	<p>This Schedule is subject to amendment.</p>

Note: entries that reflect amendments from the version of Exhibit A adopted in COVID-19 Order No. 58 (December 13, 2020) are designated by the marker “[a].”



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER ADVANCING ALL COMMUNITIES TO
PHASE IV, STEP 1 OF THE COMMONWEALTH'S RE-OPENING PLAN
AND TRANSITIONING TO A TRAVEL ADVISORY POLICY**

COVID-19 Order No. 66

Rescinding Order No. 45

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and to reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on December 13, 2020 and December 27, 2020, in response to a sharp increase in COVID-19 case growth and the resulting pressure placed on hospital capacity, I issued COVID-19 Orders Nos. 58 and 62, respectively, which returned all communities in the Commonwealth to Phase III, Step 1 of the re-opening plan and temporarily tightened capacity limits on Phase I, II, and III enterprises open to the public;

WHEREAS, following sustained improvements in the public health data, those stricter, short-term capacity limits were lifted as of February 8, 2021 and, with the issuance of COVID-19 Order No. 65, all communities in the Commonwealth have advanced to Step 2 of Phase III as of March 1, 2021;

WHEREAS, improvements in the public health data have continued since the beginning of March, including a decline in the 7-day average of confirmed COVID-19 cases from 1,536 on March 1, 2021 to 1,431 on March 17, 2021 and a decline in the 7-day average of hospitalizations from 815 to 673 over the same period;

WHEREAS, at the same time, the Commonwealth has continued to administer vaccinations to targeted populations at a steady pace, and as of March 16, 2021, a total of 2,671,928 vaccination doses have been administered, which has resulted in 972,103 persons receiving full vaccination;

WHEREAS, these sustained positive trends in the public health data permit a phased relaxation of restrictions on businesses and other organizations, provided, however, that such adjustments can only be maintained or expanded on the basis of continuing favorable developments in the public health data; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. Advancement to Phase IV, Step 1

Effective at 12:01 am on March 22, 2021 in all municipalities in the Commonwealth, businesses and other organizations that are designated as Phase IV, Step 1 enterprises on the attached Schedule A may open their brick-and-mortar premises to workers, customers, and the public.

Businesses and other organizations that are designated as Phase IV, Step 2 enterprises on the chart attached as Schedule A must keep their brick-and-mortar premises closed to the public and may not conduct Phase IV activities except as remote means permit until Step 2 of Phase IV is commenced by subsequent executive order.

2. Capacity Limits and Safety Requirements for Large Capacity Venues

Indoor and outdoor stadiums, arenas, ballparks, and similar facilities used for spectator sports, entertainment, or similar performances that have capacities of 5,000 persons or more as specified in a certificate of occupancy or other, equivalent authorization are defined as “large capacity venues” for the purposes of this Order and for the Step 1 designation marked on Schedule A. The provisions below specify the COVID-19 sector-specific rules under which large capacity venues shall be required to operate. Similar facilities with capacities of fewer than 5,000 persons must follow sector-specific rules issued by the Director of the Department of Labor Standards (DLS) that are applicable to any activity conducted at the facility.

Large capacity venues may open to the public on the commencement of Step 1, Phase IV subject to the following conditions:

- a. *Submission of COVID-19 Safety Plan:* At least 10 business days prior to opening to the public, an operator of a large capacity venue must submit a COVID-19 safety plan for review by the Department of Public Health (DPH). A COVID-19 safety plan must include measures for maintaining social distance and capacity limitations, staffing and operations plans, hygiene protocols, and cleaning protocols, all as applied to the unique conditions of the operator’s facility and planned activities. DPH may require an operator to make revisions to a proposed safety plan as a condition of opening of the venue to the public and may at any time order revisions to a safety plan where actual operations result in a finding of unsafe conditions. No large capacity venue may open to the public without submitting a safety plan for DPH review in accordance with this subsection.
- b. *Overall Capacity Limitations:* Large capacity venues may operate at 12 percent of permitted capacity as specified in a certificate of occupancy or other, equivalent authorization. Occupancy counts must include all spectators and attendees but may exclude workers and staff employed by the venue. The

Director of DLS shall from time to time and at my direction publish adjustments to this capacity limitation based on developments in the public health data.

Following review by DPH, a large capacity venue's COVID-19 safety plan as specified in subsection (a) together with the then current capacity limitation issued pursuant to subsection (b) and any additional clarifications issued by the Director DLS to interpret and apply certain COVID-19 safety rules to large capacity venues generally shall collectively constitute the "sector-specific COVID-19 safety rules" applicable to a large capacity venue for purposes of Section 3 of this Order. Large capacity venues operating in compliance with the requirements of this Order and these sector-specific rules shall not be subject to the gathering limitations set forth in Section 3 of COVID-19 Order No. 63.

Effective with the commencement of Step 1 of Phase IV, professional sports organizations may open their large capacity venues to admit spectators subject to the requirements and limitations specified above. The provisions of COVID-19 Orders No. 35 and 43 prohibiting professional sports organizations from admitting spectators or other members of the public to any training, practice, scrimmage, game, or tournament or other competition or exhibition are hereby rescinded for sports organizations operating in compliance with the requirements of this Order.

3. COVID-19 Workplace Safety Rules for Phase IV, Step 1

The Director of DLS shall issue, subject to my approval, sector-specific COVID-19 workplace safety rules for certain Phase IV, Step 1 enterprises permitted to open their brick-and-mortar premises pursuant to Section 1 of this Order; provided, however, that sector-specific rules for large capacity venues shall consist of the elements specified in Section 2 of this Order. Additionally, the Director of DLS and the Secretary of the Executive Office of Energy and Environmental Affairs may issue revised sector-specific COVID-19 workplace safety rules for Phase I, III, and III enterprises that may provide for increased capacity and other adjustments.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and sector-specific COVID-19 safety rules and mechanisms for enforcement shall apply equally to Phase IV, Step 1 enterprises that are authorized to open their premises pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

4. Replacement of Mandatory Travel Order with DPH Travel Advisory

COVID-19 Order No. 45, which instituted a 14-day quarantine requirement for travelers arriving in Massachusetts, is rescinded effective at 12:01 am on March 22, 2021. The Department of Public Health shall issue in its place an Advisory for Travelers to Massachusetts to inform the public of appropriate safety measures to reduce the risk of transmission of COVID-19 through travel.

This Order is effective at 12:01 am on March 22, 2021 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 1:20 AM/PM this
18th day of March, two thousand and
twenty-one



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A
to COVID-19 Order No. 66 effective March 22, 2021

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks ○ mini golf, go karts, batting cages, climbing walls, ropes courses

	<ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing tracks and simulcast facilities • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises • Movie theatres • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Motion picture, television, and video streaming production • Fishing and hunting tournaments and other amateur or professional derbies • Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises • Indoor event spaces such as meeting rooms, ballrooms, and private party rooms—only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls • Indoor and outdoor gaming arcades and associated gaming devices <p><u>Step 2</u></p> <ul style="list-style-type: none"> • Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises • Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<p><u>Step 1</u></p> <ul style="list-style-type: none"> • Stadiums, arenas, and ballparks, and other large capacity venues (indoor and outdoor) used for spectator sports, entertainment, or similar performances • Exhibition and convention halls • Overnight camps (Summer 2021)

	<ul style="list-style-type: none"> • Dance floors at events only <p><u>Step 2</u></p> <ul style="list-style-type: none"> • Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Dance floors <u>not</u> at events • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events
	This Schedule is subject to amendment.