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CHARLES D. BAKER
GOVERNOR

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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

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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 4:05 AM/PM this 21st day of January, two thousand and twenty-one

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts