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CHARLES D. BAKER
GOVERNOR

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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;

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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 <u>not</u> 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