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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

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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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts