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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

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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, § 30[1] shall be authorized to enforce the Order when requested by DPH to provide assistance.

[1] Reference corrected 8/5/20.

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