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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");

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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