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CHARLES D. BAKER
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LIEUTENANT GOVERNOR

ORDER REVISING PROVISIONS FOR PHASE III RE-OPENINGS IN MUNICIPALITIES WITH REDUCED INCIDENCE OF COVID-19 INFECTION

COVID-19 Order No. 56

Superseding and Rescinding Order No. 51

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, on March 23, 2020, in order to restrict all non-essential person-to-person contact and 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;

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WHEREAS, in response to gradual improvements in the public health data, 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 September 29, 2020, I issued COVID-19 Order No. 51, which, effective October 5, authorized the reopening of Phase III, Step 2 enterprises in municipalities with reduced incidence of COVID-19 infection;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities;

WHEREAS, a sustained improvement in public health data for the Commonwealth permits a phased relaxation of restrictions on businesses and other organizations, provided, however, that such adjustments can only be maintained or expanded on the basis of continuing positive trends in the public health data;

WHEREAS, public health data measuring the incidence of COVID-19 can be monitored at the level of the individual municipality, and this permits a targeted relaxation of restrictions on businesses and other organizations operating in municipalities that demonstrate a lower incidence rate of infection over a sustained period; 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. Advancement of Lower Risk Communities to Phase III, Step 2

Enterprises in municipalities that qualify as "Lower Risk Communities" may operate according to rules applicable to Step 2 of Phase III of the Commonwealth's phased Re-Opening Plan. Enterprises in municipalities that do not qualify as Lower Risk Communities must comply with rules applicable to Step 1 of Phase III.

For the purposes of this Order, a "Lower Risk Community" shall mean a municipality that meets criteria established by the Commissioner of the Department of Public Health as published on the Massachusetts COVID-19 response website (the "Lower Risk metric"). The Commissioner may from time to time publish adjustments to the metric as warranted by changes in the available public health data and the developing understanding of the nature of the COVID-19 virus.

Within a municipality determined to be a Lower Risk Community and authorized to advance to or remain in Step 2 of Phase III:

a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto may open their brick-and-mortar premises to workers, customers, and the public;
b. Phase I, II, and III enterprises, as identified in Schedule A, may operate pursuant to revised Sector-Specific COVID-19 workplace safety rules, issued under the authority of COVID-19 Orders No. 33, 37, and 43, that may provide for increased capacity and other adjustments to safety protocols upon the commencement of Step 2 of Phase III operations; and
c. Revised capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 54, or pursuant to any later Order further adjusting capacity allowances for gatherings.

The Commissioner may establish a reasonable timeframe in which the adjustments listed in subsections (a)-(c) above shall be effective once a municipality has qualified as a Lower Risk Community.

2. Requirement of Continuing Lower Risk Status

A municipality that qualifies as a Lower Risk Community, either as of November 9, 2020 or subsequently, shall cease to qualify as a Lower Risk Community if at any time the municipality fails to meet the Lower Risk metric.

Within a municipality that ceases to qualify as a Lower Risk Community, rules and allowances applicable to Step 1 of Phase III shall apply. Accordingly:

a. Businesses and other organizations identified as Phase III, Step 2 enterprises in Schedule A attached hereto must close their brick-and-mortar premises to workers, customers, and the public;
b. Phase I, II, and III enterprises, as identified in Schedule A, may not operate pursuant to revised Sector-Specific COVID-19 workplace safety rules providing for increased capacity and other adjustments applicable to enterprises operating under Step 2 of Phase III; and
c. Reduced capacity allowances for gatherings shall apply pursuant to COVID-19 Order No. 54, or pursuant to any later Order further adjusting capacity allowances for gatherings.

The Commissioner may establish a reasonable timeframe in which the adjustments listed in subsections (a)-(c) above shall be effective once a municipality has ceased to qualify as a Lower Risk Community.

3. COVID-19 Workplace Safety Rules for Step 2 of Phase III

The Director of the Department of Labor Standards shall issue, subject to my approval (i) Sector-Specific COVID-19 workplace safety rules, as that term is defined in Section 4 of COVID-19 Order No. 43, applicable to Step 2 enterprises permitted to open their brick-and-mortar premises to workers, customers, and the public as provided in Section 2 of this Order; and (ii) revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments for Phase I, III, and III enterprises also as provided in Section 2 of this Order.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to Step 2 enterprises authorized to open their premises pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective on November 9, 2020 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first. Effective November 9, 2020, COVID-19 Order No. 51 is rescinded.

Given in Boston at 1:00 AM/PM this 6th day of November, two thousand and twenty

Charles D Baker

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A
to COVID-19 Order No. 56 effective November 9, 2020

	All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.
Phase I	As specified in COVID-19 Order No. 33: • Businesses and other organizations providing products and services identified as "COVID-19 Essential Services" in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in Exhibit 1 to COVID-19 Order No. 33
Phase II	As specified in COVID-19 Order No. 37 and including specifically: • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria o Step 1: outdoor table service o Step 2: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location o Step 1: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) o Step 2: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities o pools, playgrounds and spray decks

	○ mini golf, go karts, batting cages, climbing walls, ropes courses • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services • Day Camps including sports and arts camps • Public libraries
Phase III	<u>Step 1</u> • Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations • Casino gaming floors • Horse racing tracks and simulcast facilities • Indoor recreational and athletic facilities for general use (not limited to youth programs) • Fitness centers and health clubs including ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms • Museums • Indoor historic spaces/sites • Aquariums • Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises • Movie theatres • Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) • Motion picture, television, and video streaming production • Fishing and hunting tournaments and other amateur or professional derbies • Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises • Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events • Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older • Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls • Indoor and outdoor gaming arcades and associated gaming devices <u>Step 2</u> • Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises • Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	• Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits • Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities • Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000
	• Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000
	• Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including
	  o Stadiums, arenas, and ballparks
	  o Dance floors
	  o Exhibition and convention halls
	• Street festivals and parades and agricultural festivals
	• Road races and other large, outdoor organized amateur or professional group athletic events
	• Overnight camps (Summer 2021)
	This listing is subject to amendment.