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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER EXTENDING APPLICATION OF ADDITIONAL CAPACITY RESTRICTIONS TO STATEWIDE COVID-19 SAFETY RULES

COVID-19 Order No. 60

Extending the Operation of Order No. 59

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, since declaring the state of emergency, I have issued a series of Orders that have required the temporary closing of certain businesses and other facilities and that have otherwise instituted certain capacity limitations, all in order to reduce opportunities for spreading the COVID-19 virus within the Commonwealth;

WHEREAS, on December 8, 2020, in response to sustained increases across the Commonwealth in the number of new daily confirmed cases of COVID-19 and a corresponding rise in hospitalizations, I issued COVID-19 Order Nos. 57 and 58, which together and for the reasons recited in those Orders, reduced then applicable capacity limitations for gatherings,

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required the adjustment of certain COVID-19 workplace safety rules issued under prior Orders, including capacity limitations, and closed certain higher-risk enterprises across the Commonwealth;

WHEREAS, on December 22, 2020, in response to a troubling pattern of continuing COVID-19 case growth in the Commonwealth and the resulting concern that, unless suppressed, case growth could put unmanageable pressure on the Commonwealth's healthcare system, I issued COVID-19 Order No. 59, which imposed additional across the board capacity restrictions for gatherings, events, and a range of other business sectors and other enterprises;

WHEREAS, the positive test rate for COVID-19 outside of higher education has nearly doubled from 4.8 percent in the days before Thanksgiving to 9.4 percent today;

WHEREAS, the Commonwealth saw a single day record of over 8,300 cases of COVID-19 diagnosed on December 28, nearly 2,000 more than any prior day;

WHEREAS, as a result of these increases, the Commonwealth has experienced continuing declines in available hospital capacity, including more than a 50 percent reduction since Thanksgiving, and now faces significant constraint on acute care hospital capacity across the Commonwealth;

WHEREAS, under the Department of Public Health's Resurgence Planning and Response guidance, the statewide hospital system designation is currently at Tier 4, the highest level of concern, and the 7-day average acute care bed availability is at 17 percent statewide, indicating ongoing capacity constraints that warrant immediate intervention;

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:

The provisions of COVID-19 Order No. 59 are hereby extended and shall remain in effect until 12:00 noon on January 24, 2021 unless further extended by subsequent Order.

This Order is effective immediately.

Given in Boston at 11:45 AM/PM this 7th day of January, two thousand and twenty-one

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts