

CLIENT ALERT: Massachusetts Announces Schedule for Transition to Step 2 of Phase 4 of Reopening and Will Relax Face Covering Requirements for Outdoor Settings

On April 27, 2021, Governor Baker announced that Massachusetts will begin transitioning to Phase 4, Step 2 of the Massachusetts Four-Phase Reopening Plan (“the Reopening Plan”) on May 10, 2021 and put plans in place for further reopening on May 29, 2021 and August 1, 2021. Massachusetts will also relax its **Face Coverings Order** for some outdoor settings, effective April 30, 2021. Mayor Kim Janey has announced that the city of Boston will follow suit; however, the city plans to delay most of the state’s reopening guidance by approximately three weeks.

Step 2 of Phase 4

Beginning on May 10, 2021, Massachusetts will loosen capacity restrictions for certain industries and group gatherings. Additionally, various events and activities will be permitted to resume. Importantly, the reopening guidelines apply to all individuals in Massachusetts, regardless if they have been fully vaccinated.

The following reopening guidelines are in effect on May 10, 2021:

- Large venues, such as indoor and outdoor stadiums, arenas and ballparks, may increase their capacity from 12% to 25%;
- Outdoor industries, such as amusement parks, theme parks and outdoor water parks, will be permitted to operate at a 50% capacity after submitting safety plans to the Department of Public Health (“DPH”);
- Road races and other large, outdoor organized amateur or professional group athletic events will be permitted to take place with staggered starts after submitting safety plans to a local board of health or the DPH;
- Youth and adult amateur sports tournaments will be allowed for moderate and high-risk sports;
- Singing will be permitted indoors with strict distancing requirements at performance venues, restaurants, event venues and other businesses.

On May 29, 2021, gathering limitations will be further reduced and several other industries and events are permitted to resume operations, with certain restrictions. The following reopening guidelines will be in effect on May 29, 2021, subject to public health and vaccination data:

- Gathering limits will increase to 200 people indoors and 250 people outdoors for event venues, both in public and private settings;
- Street festivals, parades and agricultural festivals may operate at 50% of their previous capacity and after submitting safety plans to the local board of health;

- Bars, beer gardens, breweries, wineries and distilleries may reopen and operate subject to restaurant rules with seated service only, 90-minute limits and no dance floors;
- Restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10.

On August 1, 2021, subject to public health and vaccination data, Massachusetts will lift all industry restrictions and all businesses will be permitted to reopen to 100% capacity, including:

- Dance clubs and nightclubs;
- Saunas, hot-tubs, steam rooms at fitness centers, health clubs and other facilities;
- Indoor water parks;
- Ball pits.

Additionally, all gathering limitations will be rescinded. The Baker Administration has acknowledged that it may reevaluate the August 1, 2021 reopening date depending on vaccine distribution and public health data.

Boston Reopening

The city of Boston has announced that it will also begin transitioning to Step 2 of Phase 4 on May 10, 2021 but that most reopening guidance will take effect approximately three weeks behind the Massachusetts reopening schedule. The following reopening schedule was announced for the city of Boston:

- On May 10, 2021, indoor and outdoor stadiums, arenas and ballparks may increase their capacity to 25%;
- On April 30, 2021, public gatherings may increase to 100 people indoors and 150 people outdoors;
- On June 1, 2021, road races, outdoor organized amateur or professional group athletic events, youth and adult amateur sports tournaments for moderate and high-risk sports, and singing indoors at venues and businesses may resume;
- On June 19, 2021, street festivals, parades, and agricultural festivals are permitted at 50% capacity. Bars, beer gardens breweries, wineries and distilleries may operate for seated-serve only, subject to 90-minute table limits and no dance floors. Food is no longer required with alcohol service and 10 people can be seated at a table. Both public and private gathering limits will increase to 200 people indoors and 250 people outdoors;
- On August 22, 2021, all industries and businesses may reopen at 100% capacity, including dance and nightclubs, saunas, hot tubs, steam rooms, health clubs, and ball pits.

Face Covering Requirements

Effective April 30, 2021, face coverings will only be required outside in public when it is not possible to socially distance, and at other times required by sector-specific guidance. Face coverings will still be required at all times in indoor public places. Face coverings will also continue to be required at events, whether held indoors or outdoors and whether held in a public space or private home, except

when eating or drinking.

Massachusetts recommends but will not require face coverings for smaller gatherings indoors at private homes. Additionally, the \$300 enforcement fine for failure to abide by the Face Coverings Order will also be eliminated. The city of Boston has reported that it will follow suit and relax face covering requirements consistent with the state guidance beginning on April 30, 2021.

This alert aims to provide an overview of the Massachusetts and City of Boston reopening restrictions generally, though they are subject to change depending on future orders and guidance. MBJ attorneys are closely monitoring these changes. Employers should check local rules and be mindful that these issues remain fluid to ensure that decisions are made based on the most up-to-date information available.

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