

CLIENT ALERT: Massachusetts Enters Final Phase of Reopening and Replaces Travel Order with New Travel Advisory

Effective March 22nd, Governor Baker's new **Executive Order** allows Massachusetts communities to transition to Step 1 of Phase 4 of the Massachusetts Four-Phase Reopening Plan ("the Reopening Plan"). Mayor Marty Walsh has announced that the City of Boston will follow suit, with some limited exceptions. Additionally, Governor Baker announced that Massachusetts will replace its Travel Order with a Travel Advisory, effective March 22nd. This client alert focuses on these recent updates to reopening the Massachusetts economy and the new Travel Advisory.

Step 1 of Phase 4

Beginning March 22, 2021, Massachusetts communities may transition to Step 1 of Phase 4 of the Reopening Plan. Step 1 of Phase 4 allows the reopening or expansion of the following businesses and services:

- Stadiums, arenas, and ballparks, and other indoor and outdoor venues that have capacities of 5,000 or more, as specified in a certificate of occupancy, used for spectator sports, entertainment, or similar performances ("large capacity venues"), may operate at 12% of permitted capacity. Large capacity venues must submit a COVID-19 safety plan to the Department of Public Health at least 10 days prior to opening to the public;
- Exhibition and convention halls may begin to operate with up to 100 people indoors and 150 people outdoors;
- Overnight camps are permitted to operate for this upcoming summer; and
- Dance floors are permitted at weddings and events only.

The City of Boston has announced that it will transition to Step 1 of Phase 4 on March 22nd. However, Boston has indicated that public gatherings must be limited to 60 people indoors and 100 people outdoors, lower than the state's limits of 100 and 150 people, respectively.

Businesses permitted to reopen must continue to comply with all the applicable sector-specific safety protocols and best practices. In anticipation of the transition to Step 1 of Phase 4, the administration has updated the Sector-Specific Protocols and Best Practices for the following businesses and services:

- **Construction**
- **Fitness Centers and Health Clubs**
- **Indoor and Outdoor Events**
- **Laboratories**
- **Operators of Lodgings**
- **Manufacturing Activities**

- Museums, Cultural and Historical Facilities, and Guided Tours
- Office Spaces
- Restaurants
- Retail Businesses
- Theaters and Performance Venues

Businesses that are not permitted to reopen until Step 2 of Phase 4 remain closed. The following businesses are not eligible to reopen until Step 2 of Phase 4:

- Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits
- Saunas, hot tubs, and steam rooms at fitness centers, health clubs, and other facilities
- Bars, dance clubs, and nightclubs – i.e., venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities
- Beer gardens, breweries, wineries, distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities
- Dance floors not at events
- Street festivals, parades, and agricultural festivals
- Road races and other large, outdoor organized amateur or professional group athletics events

Travel Order

Governor Baker also announced that the Massachusetts **Travel Order** that went into effect on August 1, 2020 will be replaced with a **Travel Advisory**, effective March 22nd. The Travel Advisory urges, but does not require, all persons entering Massachusetts, including returning residents, to quarantine for 10 days upon their arrival if they have been out of the state for 24 hours or more. The advisory does not apply to anyone in the following categories:

- Anyone who is returning to Massachusetts after an absence of fewer than 24 hours
- Travelers who have a negative COVID-19 test result that has been administered up to 72 hours prior to their arrival in Massachusetts
- Workers who enter Massachusetts to perform critical infrastructure functions (as specified by the Federal Cybersecurity and Infrastructure Security Agency) while they are commuting to or from or while at work
- Travelers who are fully vaccinated (i.e. who have received two doses of either the Moderna or Pfizer COVID-19 vaccines OR who have received a single dose of the Johnson & Johnson vaccine, 14 days or more ago and who do not have symptoms)

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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