

Massachusetts Announces Reopenings and Relaxed Face Covering Rule; Boston Delays Some by Three Weeks

By Michael R. Bertoncini

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Meet the Authors



Michael R. Bertoncini

Principal

(617) 305-1270

Michael.Bertoncini@jacksonlewis.com

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Massachusetts will reopen some outdoor **Phase 4, Step 2** industries effective May 10, 2021, and put plans in place for further reopenings on May 29 and August 1, Governor Charlie Baker has **announced**. The City of Boston will delay most of these reopenings by three weeks.

In addition, effective April 30, face coverings will be required only outside in public when it is not possible to socially distance and at other times required by sector-specific guidance.

Business Reopenings

Effective May 10, large venues such as indoor and outdoor stadiums, arenas, and ballparks currently open as part of Phase 4, Step 1 at 12 percent capacity will be permitted to increase capacity to 25 percent.

In addition, some outdoor Phase 4, Step 2 industries (*e.g.*, amusement parks, theme parks, and outdoor water parks) will reopen at 50 percent capacity after submitting safety plans to the Massachusetts Department of Public Health (DPH).

In addition to the business reopenings above:

- 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 DPH (effective June 1 in Boston).
- Youth and adult amateur sports tournaments will be allowed for moderate and high-risk sports (effective June 1 in Boston).
- Singing will be permitted indoors with strict social distancing requirements at performance venues, restaurants, event venues, and other businesses (effective June 1 in Boston, subject to the state's Theaters and Performance Venues guidance).

Effective May 29, subject to public health and vaccination data, gathering limits will increase to 200 people indoors and 250 people outdoors for event venues, public settings, and private settings. (In Boston, effective April 30, these limits are 100 people indoors and 150 people outdoors for public events and 10 people indoors and 25 people outdoors for private events, moving to the state's limits on June 19.) Further, the restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10.

Additional Phase 4, Step 2 industries also will be allowed to reopen, including:

- Street festivals, parades, and agricultural festivals at 50 percent of their previous capacity and after submitting safety plans to the local board of health (effective June 19 in Boston).
- Bars, beer gardens, breweries, wineries, and distilleries will be subject to restaurant rules with seated service only, a 90-minute limit, and no dance floors (effective June 19 in Boston).

Effective August 1 (August 22 in Boston), subject to public health and vaccination data, industries not yet opened will be permitted to open, including:

- Dance clubs and nightclubs
- Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities
- Indoor water parks (not included in Boston's reopening guidance)
- Ball pits

All industry restrictions will be lifted at that time, and capacity will increase to 100 percent for all industries, with businesses encouraged to continue following best practices. The gathering limits will be rescinded. The Baker administration may re-evaluate the August 1 date based on vaccine distribution and public health data. DPH also will continue to issue guidance as needed, including guidance to continue requiring masks indoors.

Face Coverings

Effective April 30, the Massachusetts Face Coverings Order will be relaxed for some outdoor settings. Face coverings will be required only outside in public when it is not possible to socially distance and at other times required by sector-specific guidance.

Face coverings will be required at all times in indoor public places. They also will continue to be required at all times at events, whether held indoors or outdoors and whether held in a public space or private home, except for when eating or drinking.

At smaller gatherings in private homes, face coverings are recommended but not required. The \$300 fine as an enforcement mechanism will be eliminated.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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