

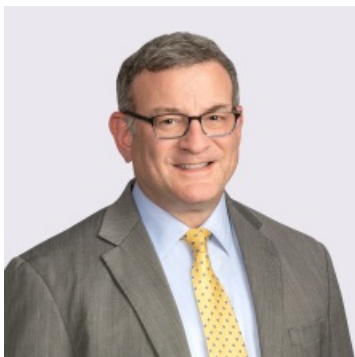
Legal Update Article

Massachusetts Governor Orders All Nonessential Businesses and Organizations to Close Facilities

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On March 23, 2020, Massachusetts Governor Charlie Baker issued an Order requiring all nonessential businesses and organizations to close their physical workspaces and facilities to customers, workers and the public. This Order came days after the Massachusetts Department of Public Health reported the state's first death from COVID-19. A copy of the Governor's Order is [here](#).

Under the Order, "All businesses and other organizations that do not provide COVID-19 Essential Services shall close their physical workplaces and facilities ("brick-and-mortar premises") to workers, customers, and the public as of 12:00 p.m. on March 24, 2020, and shall not re-open to workers, customers, or the public before 12:00 p.m. on April 7, 2020. The Order encourages these businesses "to continue operations where they are able to operate through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by this Order."

The Order urges COVID-19 Essential Services to continue operations during the state of emergency, but to do so with allowance for social distancing protocols consistent with guidance provided by the Department of Public Health.

Restaurants, bars, and other retail establishments that sell food and beverage products to the public are deemed COVID-19 Essential Services and are encouraged to continue to offer food and beverages for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance. However, the Order prohibits them from permitting on-premises consumption of food or beverages.

Appendix A to the Order includes an extensive list of businesses that are considered to provide COVID-19 Essential Services. In addition to healthcare providers, grocery stores, and banks, there are many other industries covered, including certain professional services, manufacturers and food processors. A copy of Appendix A with the list of businesses providing COVID-19 Essential Services is [here](#).

Official answers on the close-or-not-to-close quandary can be found by emailing covid19.biz@mass.gov. Requests to be designated as an essential business can be made [here](#).

The Order directs the Commissioner of Public Health to issue guidance to implement the Order. In addition, the Order authorizes the Department of Public Health to enforce the Order. Violations may result in criminal penalties or civil fines.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers in this difficult time. If you need guidance in handling the complicated issues pertaining to COVID-19, contact a Jackson Lewis attorney to discuss.

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