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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER REOPENING CERTAIN PHASE IV, STEP 2 ENTERPRISES

COVID-19 Order No. 68

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;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and to reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV

enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on December 13, 2020 and December 27, 2020, in response to a sharp increase in COVID-19 case growth and the resulting pressure placed on hospital capacity, I issued COVID-19 Orders Nos. 58 and 62, respectively, which returned all communities in the Commonwealth to Phase III, Step 1 of the re-opening plan and temporarily tightened capacity limits on Phase I, II, and III enterprises open to the public;

WHEREAS, following sustained improvements in the public health data, those stricter, short-term capacity limits were lifted as of February 8, 2021 and, with the issuance of COVID-19 Order No. 66, all communities in the Commonwealth have advanced to Step 1 of Phase IV as of March 22, 2021;

WHEREAS, there have been significant improvements in the public health data, including a decline in the 7-day average of confirmed COVID-19 cases from 6,239 on January 8, 2021 to 730 on May 3, 2021 and a decline in the 7-day average of hospitalizations from 2,343 to 559 over the same period;

WHEREAS, at the same time, the Commonwealth has continued to administer vaccinations at a steady pace, and as of May 5, 2021, 6,404,145 vaccination doses have been administered, which has resulted in 2,714,443 persons being fully vaccinated; and

WHEREAS, as of April 19, 2021, all persons over the age of 16 are eligible to receive a vaccine, and appointments are widely available throughout the Commonwealth;

WHEREAS, these sustained positive trends in the public health data permit a further phased relaxation of restrictions on businesses and other organizations, provided, however, that such adjustments can only be maintained or expanded on the basis of continuing favorable developments in the public health data; and

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:

1. Reopening Permitted as of May 10th

Effective at 12:01 am on May 10, 2021, the following enterprises may open their brick-and-mortar premises to workers, customers, and the public or otherwise resume activities, subject to the requirements of Section 2 of this Order:

- Amusement parks, theme parks, and outdoor water parks
- Road races and other large, outdoor organized amateur or professional group athletic events

2. Capacity Limits and Safety Requirements for Newly-Reopened Enterprises

A. Amusement parks, theme parks, and outdoor water parks may open to the public on May 10, 2021 subject to the following conditions:

- *Submission of COVID-19 Safety Plan:* At least 10 business days prior to opening to the public, an operator of an amusement park, theme park, or outdoor water park must submit a COVID-19 Safety Plan to the Department of Public Health (DPH) for review, as provided for on the Phase IV COVID-19 Safety Plan website (see below).
- *Capacity Limitations:* Amusement parks, theme parks, and outdoor water parks are limited to 50 percent of permitted capacity as specified in a certificate of occupancy or other, equivalent authorization. Occupancy counts must include all visitors and guests but may exclude workers and staff employed by the park. The Director of the Department of Labor Standards (DLS) shall from time to time and at my direction publish adjustments to this capacity limitation based on developments in the public health data.

B. Road races and other large, outdoor organized amateur or professional group athletic events may resume May 10, 2021 subject to the following conditions:

- *Submission of COVID-19 Safety Plan:* At least 10 business days prior to the event, an organizer of a road race or other large, outdoor organized amateur or professional group athletic event must submit for review a COVID-19 Safety Plan to DPH or the Local Board of Health in the municipality where the event will take place, as provided for on the Phase IV COVID-19 Safety Plan website (see below).

A COVID-19 Safety Plan shall include measures for maintaining social distance and capacity limitations, staffing and operations plans, hygiene protocols, and cleaning protocols, all as applied to the unique conditions of the operator's facility or planned activities. DPH or the applicable Local Board of Health may require an operator or organizer to make revisions to a proposed safety plan as a condition of opening of the

venue to the public or holding an event and may at any time order revisions to a safety plan where actual operations result in a finding of unsafe conditions.

Minimum requirements for Phase IV COVID-19 Safety Plans and directions for making submissions are available at the following address: <https://www.mass.gov/forms/submit-a-phase-4-safety-plan>

3. COVID-19 Workplace Safety Rules for Phase IV, Step 2

The COVID-19 sector-specific rules for amusement parks, theme parks, and outdoor water parks and road races and other large, outdoor organized amateur or professional group athletic events shall consist of the elements specified in Section 2 of this Order.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and sector-specific COVID-19 safety rules and mechanisms for enforcement shall apply to the enterprises that are authorized to open their premises or resume activity pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective at 12:01 am on May 10th, 2021 and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 12:45 AM/PM this 7th day of May, two thousand and twenty-one



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts