

Massachusetts Governor Orders Travelers Entering Massachusetts to Quarantine for 14 Days

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On July 24, 2020, Governor Charlie Baker issued an Executive Order imposing a mandatory 14-day quarantine for travelers entering Massachusetts. The Order, which goes into effect on August 1, 2020, applies not only to travelers visiting Massachusetts, but also to Massachusetts residents returning to the state from travel outside of Massachusetts. Previously, Baker had issued a quarantine advisory that strongly urged, but did not require, all travelers entering Massachusetts to self-quarantine for 14 days. This new Order imposes a mandatory obligation to quarantine and imposes a \$500 per day fine for violations.

Under the Order, travelers will not be required to quarantine if they spent the previous 14 days only in other states designated as “lower-risk.” Currently, there are eight states that the Massachusetts Department of Public Health has designated as lower-risk: New York, New Jersey, Connecticut, Maine, Rhode Island, Vermont, New Hampshire and Hawaii. The Commissioner of Public Health may add other states to this list as their health metrics improve. The Order also exempts those who are only travelling through Massachusetts to a separate destination; those who regularly commute into or out of Massachusetts for work or school; those coming to Massachusetts to receive medical treatment; military personnel; and those coming to Massachusetts to perform critical infrastructure functions.

The Order permits covered travelers to avoid quarantine by obtaining a negative COVID-19 test from a sample taken not longer than 72 hours before their arrival in Massachusetts. Travelers also have the option to test after their arrival in Massachusetts, but must remain in quarantine until they receive their results. For either testing option, travelers must be able to present proof of the results on request.

On arrival in Massachusetts, whether by plane, train, car, or any other means, travelers will be required to fill out a form confirming that they have complied with the Order. If the travelers are subject to quarantine, they will be asked to provide their quarantine plans, including the address where they will be quarantining and contact information so that the Department of Public Health can follow up and monitor their compliance. Those who do not comply with the quarantine requirements may be fined up to \$500 per day of noncompliance.

The Order also has specific implications for employers. It strongly discourages employers from requiring or allowing business travel to states that are not on the “low-risk” list, and also asks employers to discourage employees’ personal travel to such states. Additionally, because the quarantine requirement is now mandatory, it will likely trigger eligibility for emergency paid sick leave under the Families First Coronavirus Response Act (FFCRA). Accordingly, Massachusetts employers should review their current workplace policies and COVID-19-related protocols and revise them to the extent necessary to comply with (and encourage employee compliance with) the Order.

Foley Hoag has formed a firm-wide, multi-disciplinary [task force](#) dedicated to client matters related to the novel coronavirus (COVID-19). For more guidance on your COVID-19 issues, visit our [Resource Portal](#) or contact your Foley Hoag attorney.

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