

Massachusetts Department of Public Health's Health Advisory on Grocery Stores and Pharmacies

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On March 24, 2020, the Massachusetts Department of Public Health (DPH) issued a [Public Health Advisory](#) which directs individuals over the aged 70 and those with underlying health conditions to stay at home, and requires all grocery stores and pharmacies to provide alternative hours for shoppers aged 60+. The Advisory also requires all grocery stores and pharmacies to implement “strategies to reduce COVID-19 exposure to their employees,” and procedures to ensure that customers and employees remain at least six feet apart.

On March 25, 2020, the Commissioner of Public Health issued an [Order](#) updating and clarifying DPH's Advisory. The Order identifies specific strategies grocery stores and pharmacies must deploy to slow the spread of COVID-19, including:

- Providing adequate access to handwashing facilities and hand sanitizer Providing disinfecting wipes at entrances to allow customers to disinfect carts and baskets
- Providing a marked line directing customers to stand six feet away from checkout counters
- Closing all salad bars and free samples
- Establishing procedures for frequent sanitation
- Instituting a ban on reusable bags at checkout.

The Order also requires grocery stores and pharmacies to accommodate employees in high-risk populations, including by allowing them to stay at home.

Finally, the Order allows all stores to return to single-use plastic bags, regardless of any municipal ordinances or regulations preventing their use. Grocery stores and pharmacies may not charge for bags for the time being. The Order shall remain in effect until the State of Emergency in Massachusetts is lifted.

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 Page](#) or contact your Foley Hoag attorney.

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