

Massachusetts Formalizes Lifting of COVID-19 Industry Restrictions, Considers Legislation to Extend Certain Popular Exemptions

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On May 28, 2021, Governor Charlie Baker issued two executive orders lifting many of the COVID-19-related restrictions and limitations imposed over the past 15 months, setting in motion the eventual rescission of the Governor's March 10, 2020 declaration of a State of Emergency on June 15, 2021.

The [first executive order](#) rescinded the State of Emergency (as declared under the state's Civil Defense Act) as to the majority of COVID-19 executive orders as of May 29, 2021. This order also formally lifted all industry COVID-19 restrictions and all capacity limits effective May 29, 2021.

A small number of COVID-19 executive orders remain in place until June 15, 2021, when the State of Emergency will terminate entirely. These executive orders created certain exemptions that have proved popular, including the authority of government entities to hold remote public meetings, the ability of restaurants to expand outdoor dining, and flexibility in the practicing authority of physician assistants. The Legislature is currently considering [bills that would extend many of these exemptions](#) beyond June 15, 2021, and is expected to vote on such legislation within the next two weeks.

The [second executive order](#) modifies the State of Emergency (as declared under the state's Department of Public Health statute, [G.L. c. 17, § 2A](#)) to facilitate the DPH's ability to promote COVID-19 testing, vaccination, and surveillance, and mandate "special measures to protect higher risk populations." Governor Baker has indicated that this modified public health state of emergency order would be the basis for the [continued DPH requirement](#) that masks be worn on public transit, in health care settings, and certain other locations.

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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