

GOVERNOR BAKER ISSUES UPDATED GATHERINGS ORDER, EFFECTIVE TUESDAY AUGUST 11, 2020

As has been reported, the numbers of COVID-19 cases in Massachusetts are rising. To address an increase in cases, today, Governor Baker announced that he is postponing indefinitely the time period for entering Step II of Phase III of his reopening plan. Moreover, he issued [COVID-19 Order No. 46: Third Revised Order Regulating Gatherings Throughout the Commonwealth](#). The following mandates are addressed in Order No. 46:

- This Order becomes effective on August 11, 2020, and further reduces the limit on outdoor gatherings from 100 to 50 people (indoor gatherings will remain limited at 8 persons per 1,000 square feet of accessible floor space with an outer limit of 25 people in a single, enclosed indoor space).
- Gathering limits will apply to all types of gatherings, on both public and private property. Indeed, the Order expressly specifies that it applies both to private homes and backyards, as well as parks, athletic fields and parking lots.
- All participants in indoor and outdoor gatherings must maintain at least 6 feet of physical distance from every other gathering participant, unless individuals are from the same household.
- Furthermore, the Order requires face coverings where more than 10 people from different households will be attending, whether indoors or outdoors, at both gatherings in public spaces and private homes, including backyards, parks, athletic fields and parking lots. As with the current face covering order(s), children two years old and younger, and individuals with medical or disabling conditions that prevent mask wearing, are excused from this requirement.
- Notably, this Executive Order exempts polling places, which had not been exempted under previous Executive Orders, and continues to exempt municipal legislative bodies.
- The Order adds enforcement mechanisms to allow the Alcoholic Beverages Control Commission (ABCC) or any local licensing authority to, after notice and a hearing, suspend, revoke or cancel a license for the sale of alcoholic beverages in the event a violation occurs.
- Entities designated as a Phase I, Phase II, or Phase III enterprises allowed to operate under prior Orders are not subject to the revised gathering limits, per se, but will remain subject to sector specific rules and guidance.
- Outdoor gatherings for political expression and religious activities are not subject to the revised gathering limits. Indoor gatherings for political expression will be subject to the revised gathering limits, while indoor gatherings for religious services will remain subject to the capacity limitations set forth in sector specific guidance.

We will continue to keep you updated on additional developments on state guidance on this and all COVID-19 related legal matters. A reminder that we have established a Coronavirus “hotline,” at coronavirusinfo@kplaw.com. A dedicated team of our attorneys is available through this hotline e-mail address to answer the most frequently-asked legal questions arising from COVID-19 or you can always contact your KP Law attorney.

In the meantime, from all the staff and attorneys at KP Law, take good care.

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