

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jon Santiago and Mindy Domb*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preventing a COVID-19 resurgence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>6/30/2020</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>7/15/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/16/2020</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>7/16/2020</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>7/16/2020</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>7/16/2020</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>7/16/2020</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>7/16/2020</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>7/16/2020</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>7/17/2020</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>7/17/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>7/17/2020</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>7/17/2020</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>7/17/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>7/20/2020</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>7/20/2020</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>7/20/2020</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>7/20/2020</i>

<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>7/20/2020</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>7/20/2020</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>7/21/2020</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>7/21/2020</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>7/21/2020</i>

**HOUSE . . . . . No.**

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By Representatives Santiago of Boston and Domb of Amherst, a petition (subject to Joint Rule 12) of Jon Santiago, Christina A. Minicucci and others relative to public measures to prevent the resurgence of the COVID-19 virus in the Commonwealth. Public Health.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to preventing a COVID-19 resurgence.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are to ensure appropriate public measures be taken to prevent the resurgence of the COVID-19 virus in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: For the purposes of this section, ‘face covering’ shall mean any cloth  
2 material covering the nose and mouth. A face covering can include any home-made cloth  
3 covering, surgical mask, or covering that covers an individual’s nose and mouth, and provides a  
4 higher level of protection, including an N95 mask.

5  
6           Notwithstanding any laws to the contrary, every person in Massachusetts must wear a  
7 face covering correctly when in any indoor or outdoor public setting, including, but not limited  
8 to, any building open to the public, including in elevators; in any healthcare setting such as  
9 hospitals, health clinics, physician or dentist's office; while using public transportation,

10 including, but not limited to, any taxi, ride-sharing vehicle, bus, and train; in outdoors public  
11 spaces including public parks, streets, sidewalks, or recreation areas when a distance of at least  
12 six feet cannot be maintained by any non-household member.

13 Individuals may remove their face coverings in public settings when seated at a restaurant  
14 or other food or beverage service establishment while eating or drinking, provided that a distance  
15 of at least six feet is maintained between patrons seated at other tables; when engaged in exercise  
16 activities, provided that a distance of at least six feet is maintained from non-household  
17 members; when in an outdoor public area, provided that a distance of at least six feet is  
18 maintained from non-household members; when any person deaf or hard of hearing may be  
19 prevented from communicating as a result of a face covering; when federal or state law prohibits  
20 wearing a face covering.

21 Individuals may be exempted from the requirements of this section if they are children  
22 under the age of two years old; persons with a medical condition, a breathing problem, mental  
23 health condition, or disability that prevents them from wearing a face covering due to said  
24 condition or prevents them from removing it without assistance, provided that medical  
25 documentation can be readily verified.

26 The commissioner of the Department of Public Health (“the commissioner”), in  
27 coordination with the director of the Massachusetts Emergency Management Agency, shall  
28 create and oversee a process to distribute cloth face coverings to local Emergency Management  
29 directors or local health officers for use by municipal employees and residents to ensure access  
30 to such measures.

31           This section shall be enforced by local boards of health. A violation of this section shall  
32 be punishable with a written warning for first violation, followed by a civil penalty of up to \$100  
33 for each subsequent violation which may be enforced by local boards of health.

34           The secretary may direct resources to produce and disseminate a public information  
35 campaign dedicated to support implementation of this legislation and promoting adherence with  
36 its requirements.

37           This section shall remain in effect until the end of the governor’s COVID-19 State of  
38 Emergency.

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40           SECTION 2: The secretary of the executive office of health and human services (“the  
41 secretary”) shall issue a travel advisory that all travelers entering Massachusetts from a state with  
42 a COVID-19 5% test positivity rate or higher, over a seven day rolling average as determined by  
43 the Massachusetts Department of Public Health, will be required to quarantine for a period of 14  
44 days consistent with Massachusetts Department of Public Health quarantine regulations. The  
45 secretary will post such advisory at all points of entry into Massachusetts, including airports,  
46 maritime ports, bus and train stations, and digital electronic highway signs.

47

48           The secretary may promulgate additional protocols, including exemptions, for military  
49 personnel, essential workers, or other extraordinary circumstances, when quarantining is not  
50 possible, provided such measures protect the public health.

51 A civil penalty of up to \$1,000 may be enforced by local boards of health in the case of  
52 any violation of a quarantine order issued to an individual pursuant to the secretary of the  
53 executive office of health and human services travel advisory.

54 SECTION 3: Any guidance, policy, or criteria issued by the governor or any state agency  
55 on testing for COVID-19 shall encourage and prioritize testing for high priority populations,  
56 including, but not limited to, the following groups:

57 (a) individuals with symptoms of COVID-19,

58 (b) individuals who have come in close contact with someone who has tested positive for  
59 COVID-19, and

60 (c) populations at increased risk for COVID-19, which may include, but shall not be  
61 limited to: (i) employees of businesses and organizations defined as providing “COVID-19  
62 Essential Services” under the governor’s March 23, 2020 emergency order; (ii) other individuals  
63 required to report to work outside their own home; (iii) individuals residing in congregate  
64 housing and group home facilities, including, but not limited to, those operating under contracts  
65 with the department of developmental services, the department of mental health, the department  
66 of children and families, executive office of elder affairs, the department of housing and  
67 community development, the department of youth services, or the department of public health;  
68 (iv) individuals confined to a house of correction or state prison; (v) individuals with serious  
69 underlying medical conditions linked to increased risk of severe illness from COVID-19  
70 according to the federal Centers for Disease Control and Prevention; and (vi) individuals residing  
71 in municipalities or neighborhoods disproportionately impacted by COVID-19.

72 SECTION 4: (a) The secretary of labor and workforce development, in collaboration with  
73 the secretary of health and human services shall develop a plan for proactive enforcement of the  
74 governor’s mandatory safety standards for workplaces. Such a plan shall not rely solely on  
75 complaints from employees or members of the public. The plan shall include an estimate of  
76 required funding needed for the department of labor standards, municipal boards of health, or  
77 other state or local agencies to conduct education, inspections, and other enforcement activities.  
78 The secretary shall file the plan with the clerks of the house of representatives and the senate, the  
79 joint committee on labor and workforce development, and the joint committee on public health  
80 no later than September 1, 2020.

81 (b) The governor shall amend the mandatory safety standards for workplaces to (i)  
82 require a worksite safety assessment conducted jointly by employers and employees at all  
83 worksites, (ii) require a method for timely issuance of fines or closure of a business for serious or  
84 repeated worksite safety violations, (iii) state that municipal boards of health have authority to  
85 apply higher safety standards or close businesses that they determine are endangering workers or  
86 the public, and (iv) add such standards necessary to protect workers from aerosol transmission of  
87 micro-droplets of the virus.

88 (c) The secretary of labor and workforce development shall ensure the right of all  
89 workers to report and refuse dangerous work without retaliation.

90 (d) The department of industrial accidents shall ensure that workers’ compensation  
91 benefits are mandated for workers who become sick with COVID-19 as a result of workplace  
92 exposure, using a conclusive presumption.

93           SECTION 5: The secretary of health and human services shall develop a plan to improve  
94 the effectiveness and efficiency of local and regional boards of health in accordance with the  
95 recommendations of the special commission on local and regional public health, established  
96 pursuant to chapter 3 of the resolves of 2016. Said plan shall include:

97           mandatory minimum public health standards for all municipalities, which shall be  
98 provided by each municipality or through regional collaboration among multiple municipalities;

99           the estimated cost to support municipalities to meet minimum standards and  
100 recommended sources of funding; and

101           recommendations for immediate actions to prepare for increased rates of COVID-19  
102 infection.

103           The secretary shall file the plan with the clerks of the House of Representatives and the  
104 Senate and the joint committee on public health no later than September 1, 2020.