

HOUSE No. 3872

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 14, 2021.

The committee on Ways and Means, to whom was referred the Senate Bill relative to extending certain COVID-19 measures adopted during the state of emergency (Senate, No. 2472), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 3872.

For the committee,

AARON MICHLEWITZ.

HOUSE No. 3872

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to extending certain COVID-19 measures adopted during the state of emergency (Senate, No. 2472). June 14, 2021.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 13 of chapter 53 of the acts of 2020, as amended by section 1 of
2 chapter 118 of the acts of 2020, is hereby further amended by striking out the words “February
3 28, 2021” and inserting in place thereof the following words:— July 31, 2022.

4 SECTION 2. Said section 13 of said chapter 53 is hereby further amended by striking out
5 the words “and (iv) a customer shall be limited to 192 ounces of malt beverages and 1.5 liters of
6 wine per transaction” and inserting in place thereof the following words:— (iv) a customer shall
7 be limited to 192 ounces of malt beverages and 1.5 liters of wine per transaction; and (v) the
8 wine or malt beverages shall be sold at the same price for on-premises consumption and for off-
9 premises consumption.

10 SECTION 3. Section 15 of said chapter 53 is hereby amended by striking out the words
11 “and 60 days thereafter” and inserting in place thereof the following words:— or until December
12 15, 2021, whichever is later.

13 SECTION 4. Said section 15 of said chapter 53 is hereby further amended by striking out
14 the word “section,” and inserting in place thereof the following words:- section or a corporation
15 as defined in section 2 of chapter 180 of the General Laws,.

16 SECTION 5. Section 16 of said chapter 53 is hereby amended by striking out the words
17 “and 60 days thereafter and” and inserting in place thereof the following words:- or until
18 December 15, 2021, whichever is later, and.

19 SECTION 6. Section 2 of chapter 65 of the acts of 2020 is hereby amended by striking
20 out the words “the termination of the COVID-19 emergency, due to the outbreak of the 2019
21 novel coronavirus, also known as COVID-19” and inserting in place thereof the following
22 words:- December 15, 2021.

23 SECTION 7. Section 8 of chapter 71 of the acts of 2020 is hereby amended by striking
24 out the words “3 business days after termination of the governor’s March 10, 2020 declaration of
25 a state of emergency” and inserting in place thereof the following words:- on December 15,
26 2021.

27 SECTION 8. Subsection (a) of section 7 of chapter 92 of the acts of 2020 is hereby
28 amended by inserting after the word “emergency” the following words:- or during a period
29 ending on December 15, 2021, whichever period ends later,.

30 SECTION 9. Subsection (a) of section 8 of said chapter 92 is hereby amended by
31 inserting after the word “emergency” the following words:- or during a period ending on
32 December 15, 2021, whichever period ends later.

33 SECTION 10. Subsection (b) of section 2 of chapter 118 of the acts of 2020 is hereby
34 amended by striking out the words “February 28, 2021” and inserting in place thereof the
35 following words:- July 31, 2022.

36 SECTION 11. Said subsection (b) of said section 2 of said chapter 118 is hereby further
37 amended by striking out “and (v) if the mixed drink in a sealed container is to be transported by a
38 motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall transport the
39 mixed drink in the trunk of the motor vehicle or some other area that is not considered the
40 passenger area, as defined by section 24I of chapter 90 of the General Laws” and inserting in
41 place thereof the following words:- (v) if the mixed drink in a sealed container is to be
42 transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall
43 transport the mixed drink in the trunk of the motor vehicle or some other area that is not
44 considered the passenger area, as defined by section 24I of chapter 90 of the General Laws; and
45 (vi) the mixed drink shall be sold at the same price for on-premises consumption and for off-
46 premises consumption.

47 SECTION 12. Item 7004-0108 of section 2 of chapter 227 of the acts of 2020 is hereby
48 amended by striking out the word “until” and inserting in place thereof the following words:- and
49 until 60 days after.

50 SECTION 13. Item 7004-9316 of said section 2 of said chapter 227 is hereby amended
51 by striking out the word “until”, each time it appears, and inserting in place thereof, in each
52 instance, the following words:- and until 60 days after.

53 SECTION 14. Subsection (a) of section 1 of chapter 257 of the acts of 2020 is hereby
54 amended by striking out the words “the termination of the state of emergency concerning the

55 outbreak of COVID-19 as declared by the governor on March 10, 2020” and inserting in place
56 thereof the following words:- 10 days after the termination or nullification of the Temporary Halt
57 in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal
58 Centers for Disease Control and Prevention.

59 SECTION 15. Said section 1 of said chapter 257 is hereby further amended by striking
60 out subsection (a), as amended by section 14, and inserting in place thereof the following
61 subsection:- (a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws,
62 chapter 239 of the General Laws or any other general or special law to the contrary, a notice to
63 quit for non-payment of rent given in writing by a landlord to a residential tenant pursuant to said
64 section 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall
65 include, but not be limited to: (i) documentation of any agreements between the tenant and
66 landlord for the tenant to repay the landlord for non-payment of rent; and (ii) information on:
67 (A) rental assistance programs including, but not limited to, the residential assistance for families
68 in transition program; (B) applicable trial court rules, standing orders or administrative orders
69 pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions
70 on residential evictions. The form shall also prominently display the following statement:

71 “THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO
72 IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING
73 IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER
74 CAN FORCE YOU TO LEAVE YOUR UNIT.”

75 The executive office of housing and economic development shall develop the form
76 required under this subsection and make it publicly available on its website. The information in

77 clause (ii) shall be made available in the 5 most common languages in the commonwealth, in
78 addition to English. A court having jurisdiction over an action for summary process pursuant to
79 said chapter 239, including the Boston municipal court department, shall not, in an eviction for
80 non-payment of rent for a residential dwelling unit, accept for filing a writ, summons or
81 complaint without proof of delivery of the form required under this subsection.

82 SECTION 16. Subsection (b) of said section 1 of said chapter 257 is hereby amended by
83 striking out the words “, from the passage of this act until the termination of the state of
84 emergency concerning the outbreak of the novel coronavirus disease, also known as COVID-19,
85 declared by the governor on March 10, 2020”.

86 SECTION 17. Said section 1 of said chapter 257 is hereby repealed.

87 SECTION 18. Section 2 of said chapter 257 is hereby amended by inserting after the
88 word “emergency”, the sixth and ninth times it appears, the following words:- or until April 1,
89 2022, whichever is later.

90 SECTION 19. Section 3 of said chapter 257 is hereby amended by inserting after the
91 word “emergency”, the first time it appears, the following words:- or until January 1, 2023,
92 whichever is later.

93 SECTION 20. Subsection (b) of section 98 of chapter 358 of the acts of 2020 is hereby
94 amended by inserting after the word “emergency” the following words:- or until December 31,
95 2021, whichever is later.

96 SECTION 21. (a) Notwithstanding any general or special law to the contrary, the
97 governor shall provide notice to the clerks of the house of representatives and senate and the

98 house and senate committees on ways and means not less than 31 days before the termination of
99 the declaration that an emergency exists which is detrimental to the public health declared by the
100 governor on May 28, 2021 pursuant to section 2A of chapter 17 of the General Laws in response
101 to the outbreak of the 2019 novel coronavirus, also known as COVID-19.

102 (b) Notwithstanding any general or special law to the contrary, the commissioner of
103 public health shall provide notice to the clerks of the house of representatives and senate and the
104 house and senate committees on ways and means not less than 31 days before the termination of
105 any public health order established pursuant to section 2A of chapter 17 of the General Laws in
106 response to the outbreak of COVID-19 or the declaration that an emergency exists which is
107 detrimental to the public health declared by the governor on May 28, 2021.

108 SECTION 22. (a) As used in this section, the following words shall, unless the context
109 clearly requires otherwise, have the following meanings:-

110 “Commission”, the alcoholic beverages control commission, established by section 70 of
111 chapter 10 of the General Laws.

112 “Outdoor table service”, restaurant service that includes food prepared on-site and under
113 a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is
114 served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio,
115 deck, lawn, parking area or other outdoor space.

116 (b) Notwithstanding chapter 40A of the General Laws, any special permit, variance or
117 other approval issued thereunder or any general or special law to the contrary, from the effective
118 date of this act until April 1, 2022, a city or town may approve a request for expansion of
119 outdoor table service, including in the description of licensed premises as described in subsection

120 (c), or an extension of an earlier granted approval issued under section 4 of the governor's
121 COVID-19 Order No. 35 or section 1 of the governor's COVID-19 Order No. 50. Before such
122 approval, the mayor, select board or other chief executive officer, as established by charter or
123 special act, shall establish the process for approving such requests. Such process shall not be
124 required to comply with the notice and publication provisions of section 11 of said chapter 40A.
125 An approval under this section may be exercised immediately upon filing of notice thereof with
126 the city or town clerk, without complying with any otherwise applicable recording or
127 certification requirements.

128 (c) Pursuant to subsection (b), a local licensing authority may grant approval for a change
129 in the description of the licensed premises for the purpose of permitting outdoor alcohol service
130 as the local licensing authority deems reasonable and proper, and issue an amended license to
131 existing license holders, without further review or approval from the commission prior to
132 issuance. Upon approval of an amended license, the local licensing authority shall provide notice
133 of the amended license to the commission. Nothing in this section shall prevent the commission
134 from exercising the commission's enforcement authority over an amended license.

135 (d) Before approving any request to extend an earlier granted approval issued under
136 section 4 of the governor's COVID-19 Order No. 35 or section 1 of the governor's COVID-19
137 Order No. 50, a city, town or local licensing authority may modify the scope of the approval as
138 the city, town or local licensing authority deems proper and appropriate including, but not
139 limited to, modifying the terms of an earlier granted approval to address potential issues with
140 snow removal, pedestrian traffic or similar concerns.

141 (e) Any outdoor table service approved for expansion under this section, including an
142 amended license issued by a local licensing authority under subsection (c), shall automatically
143 revert back to the status prior to the approval of the change for expansion of outdoor table
144 service or in the description of a licensed premises on April 1, 2022. Any extension of an earlier
145 granted approval issued under section 4 of the governor’s COVID-19 Order No. 35 or section 1
146 of the governor’s COVID-19 Order No. 50 shall automatically revert back to the status prior to
147 the approval issued under said section 4 of the governor’s COVID-19 Order No. 35 or said
148 section 1 of the governor’s COVID-19 Order No. 50 on April 1, 2022.

149 SECTION 23. (a) For the purposes of this section, “adequate, alternative means of public
150 access” shall mean measures that provide transparency and permit timely and effective public
151 access to the deliberations of the public body, including, but not limited to, providing public
152 access through telephone, internet, satellite enabled audio or video conferencing or any other
153 technology that enables the public to clearly follow the proceedings of the public body while
154 those activities are occurring.

155 (b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or
156 special law to the contrary, a public body, as defined in section 18 of said chapter 30A, shall not
157 be required to conduct its meetings in a public place that is open and physically accessible to the
158 public; provided, that if the public body does not conduct the meeting in a public place that is
159 open and physically accessible to the public, the public body shall ensure public access to the
160 deliberations of the public body for interested members of the public through adequate,
161 alternative means of public access. Where active, real-time participation by members of the
162 public is a specific requirement of a general or special law, regulation or a local ordinance or by-
163 law, pursuant to which the proceeding is conducted, any adequate, alternative means of public

164 access shall provide for such participation and shall be sufficient to meet such participation
165 requirement. A municipal public body that for reasons of economic hardship and despite best
166 efforts is unable to provide adequate, alternative means of public access that will enable the
167 public to follow the proceedings of the municipal public body as those activities are occurring in
168 real time may instead post on its municipal website a full and complete transcript, recording or
169 other comprehensive record of the proceedings as soon as practicable upon conclusion of the
170 proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a
171 general or special law, regulation or a local ordinance or by-law that requires allowance for
172 active participation by members of the public. A public body shall offer its selected adequate,
173 alternative means of public access to its proceedings without subscription, toll or similar charge
174 to the public.

175 (c) Notwithstanding subsection (d) of section 20 of chapter 30A of the General Laws or
176 any other general or special law to the contrary, a public body may allow remote participation by
177 all members in any meeting of the public body and a quorum of the body and the chair shall not
178 be required to be physically present at a specified meeting location.

179 (d) A public body that elects to conduct its proceedings under this section shall ensure
180 that any party entitled or required to appear before it shall be able to appear through remote
181 means, as if the party were a member of the public body and participating remotely as provided
182 in subsection (b).

183 (e) All other provisions of sections 18 to 25 of chapter 30A of the General Laws and the
184 attorney general's implementing regulations shall otherwise remain unchanged and fully
185 applicable to the activities of public bodies.

186 SECTION 24. (a) For the purposes of this section “guidelines” shall mean the Guidelines
187 for Use of Space for Screening, Testing or Sample Collection of Patient Presenting with possible
188 COVID-19 Exposure or Illness as established in a memorandum prepared by the bureau of health
189 care safety and quality in the department of public health and dated May 12, 2020.

190 (b) Notwithstanding any general or special law to the contrary, a health clinic may use
191 space selected by the clinic on, adjacent to or reasonably proximate to the health clinic’s
192 premises for testing of possible COVID-19 patients; provided, however, that the clinic shall
193 comply with the guidelines, as applicable, and receive any necessary local approvals required for
194 the erection and use of temporary structures.

195 SECTION 25. (a) As used in this section, the following words shall, unless the context
196 clearly requires otherwise, have the following meanings:

197 “Designated Massachusetts Military Division staff”, military personnel who are certified
198 by the United States Army as Combat Lifesavers.

199 “Medical assistant”, a person who performs basic administrative, clerical and clinical
200 duties under the direct supervision of a licensed physician, nurse practitioner or physician
201 assistant.

202 “Podiatrist”, a person licensed pursuant to section 16 of chapter 112 of the General Laws
203 to practice podiatric health.

204 “Phlebotomist”, a person whose responsibilities include, but are not limited to: (i)
205 collecting blood samples from patients under the supervision of a licensed physician, nurse
206 practitioner or physician assistant; (ii) separating blood into different test tubes in order for it to

207 be used in medical tests; (iii) accurately labeling said tubes; and (iv) ensuring correct samples are
208 sent to the laboratory.

209 (b) Notwithstanding sections 16 and 265 of chapter 112 of the General Laws or any other
210 general or special law to the contrary, a podiatrist, a phlebotomist, a medical assistant who
211 otherwise does not meet the requirements to administer vaccine pursuant to said section 265 of
212 said chapter 112 and designated Massachusetts Military Division staff may administer COVID-
213 19 vaccines with emergency use authorization from the United States Food and Drug
214 Administration.

215 SECTION 26. Notwithstanding section 11 of chapter 19D of the General Laws or any
216 other general or special law to the contrary, until the termination of the declaration that an
217 emergency exists which is detrimental to the public health declared by the governor on May 28,
218 2021 or until December 15, 2021, whichever is sooner: (i) a nurse employed by an assisted living
219 residence that is certified by the executive office of elder affairs may provide skilled nursing care
220 in accordance with valid medical orders if the nurse holds a valid license to provide such care;
221 (ii) an assisted living residence may retain residents who require skilled care for more than 90
222 consecutive days; (iii) the staffing requirements in 651 CMR 12.06(5)(b) shall not apply;
223 provided, however, that an assisted living residence ensures that it has sufficient staffing at all
224 times to meet the needs of the residents, as set out in guidance issued by the executive office of
225 elder affairs on April 2, 2020; and (iv) the training requirements set out in 651 CMR 12.07 shall
226 not apply; provided, however, that an assisted living residence shall procure staff with adequate
227 experience and provide on-the-job training to safely perform their duties, as set out in said
228 guidance issued by the executive office of elder affairs on April 2, 2020.

229 SECTION 27. Notwithstanding any general or special law to the contrary, the department
230 of unemployment assistance shall continue to enforce the provisions of department's policy
231 memorandum UIPP 2020.12 issued on October 8, 2020 as it applies to caregiver responsibilities
232 and the adjudication of such claims until the expiration of section 4102(b) of the Families First
233 Coronavirus Response Act, Public Law 116-127. Not less than 30 days prior to the
234 discontinuation of any guidance or policy issued by the department that affects claimant
235 eligibility or changes benefits eligibility, a claimant shall be notified in their preferred language
236 and via their preferred method of communication of the discontinuation.

237 SECTION 28. Sections 23, 24, 25 are hereby repealed.

238 SECTION 29. Section 15 shall take effect 10 days after the termination or nullification of
239 the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order
240 issued by the federal Centers for Disease Control and Prevention.

241 SECTION 30. Section 17 shall take effect on January 1, 2023.

242 SECTION 31. Section 28 shall take effect on April 1, 2022.