

# SENATE . . . . . No. 2467

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## The Commonwealth of Massachusetts

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

SENATE, June 10, 2021.

The committee on Senate Ways and Means to whom was referred the petition (accompanied by bill, Senate, No. 27) of William N. Brownsberger for legislation to extend COVID-19 accommodations for municipalities in elections and for representative town meetings, - reported, in part, a "Bill relative to extending certain COVID-19 measures adopted during the state of emergency." (Senate, No. 2467) (also based on Senate, No 2452).

For the committee,  
Michael J. Rodrigues

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An Act relative to extending certain COVID-19 measures adopted during the state of emergency.

*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. 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:- March 1, 2022.

4           SECTION 2. Section 15 of said chapter 53 is hereby amended by striking out the words  
5 “and 60 days thereafter” and inserting in place thereof the following words:- or until December  
6 15, 2021, whichever is later.

7           SECTION 3. Section 16 of said chapter 53 is hereby amended by striking out the words  
8 “and 60 days thereafter and” and inserting in place thereof the following words:- or until  
9 December 15, 2021, whichever is later, and.

10          SECTION 4. Section 8 of chapter 71 of the acts of 2020 is hereby amended by striking  
11 out the words “3 business days after termination of the governor’s March 10, 2020 declaration of  
12 a state of emergency” and inserting in place thereof the following words:- on December 15,  
13 2021.

SECTION 5. Section 7 of chapter 92 of the acts of 2020 is hereby amended by striking out the words “emergency at” and inserting in place thereof the following words:- or during a period ending on December 15, 2021, whichever period ends later, at.

SECTION 6. Section 8 of said chapter 92 is hereby amended by inserting after the word “emergency” the following words:- or during a period ending on December 15, 2021, whichever period ends later.

SECTION 7. Section 2 of chapter 118 of the acts of 2020 is hereby amended by striking out the words “February 28, 2021” and inserting in place thereof the following words:- March 1, 2022.

SECTION 8. Subsection (a) of chapter 255 of the acts of 2020, as amended by section 4 of chapter 5 of the acts of 2021, is hereby further amended by striking out the words “annual or special municipal or state primary or election held on or before June 30, 2021” and inserting in place thereof the following words:- regular or special municipal or state preliminary, primary or general election held on or before December 15, 2021.

SECTION 9. Subsection (b) of said chapter 255, as amended by section 5 of said chapter 5, is hereby further amended by striking out the words “annual or special municipal or state primary or election held on or before June 30, 2021” and inserting in place thereof the following words:- regular or special municipal or state preliminary, primary or general election held on or before December 15, 2021.

SECTION 10. Subsection (c) of said chapter 255, as amended by section 6 of said chapter 5, is hereby further amended by striking out the words “annual or special municipal or

state primary or election held on or before June 30, 2021” and inserting in place thereof the following words:- regular or special municipal or state preliminary, primary or general election held on or before December 15, 2021.

SECTION 11. Subsection (l) of said chapter 255, as amended by section 7 of said chapter 5, is hereby further amended by striking out the words “annual or special municipal election held on or before June 30, 2021” and inserting in place thereof the following words:- regular or special municipal preliminary, primary or general election held on or before December 15, 2021.

SECTION 12. Subsection (a) of section 1 of chapter 257 of the acts of 2020 is hereby amended by striking out the words “the termination of the state of emergency concerning the outbreak of COVID-19 as declared by the governor on March 10, 2020” and inserting in place thereof the following words:- 10 days after the termination or nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal Centers for Disease Control and Prevention.

SECTION 13. Said section 1 of said chapter 257 is hereby further amended by striking out subsection (a), as amended by section 12, and inserting in place thereof the following subsection:-

(a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws, chapter 239 of the General Laws or any other general or special law to the contrary, a notice to quit for nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall include, but not be limited to, information on: (i) rental assistance programs including, but not limited to, the residential assistance for families in transition program; (ii) applicable trial court rules, standing

orders or administrative orders pertaining to actions for summary process; and (iii) any relevant federal or state legal restrictions on residential evictions. The form shall also prominently display the following statement:

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

The executive office of housing and economic development shall develop the form required under this subsection and make it publicly available on its website. The information shall be made available in the 5 most common languages in the commonwealth, in addition to English. A court having jurisdiction over an action for summary process pursuant to said chapter 239, including the Boston municipal court department, shall not, in an eviction for nonpayment of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without proof of delivery of the form required under this subsection.

SECTION 14. Subsection (b) of said section 1 of said chapter 257 is hereby amended by striking out the words “from the passage of this act until the termination of the state of emergency concerning the outbreak of the novel coronavirus disease, also known as COVID-19, declared by the governor on March 10, 2020,”.

SECTION 15. Said section 1 of said chapter 257 is hereby repealed.

SECTION 16. Section 2 of said chapter 257 is hereby amended by inserting after the word “emergency”, the sixth and ninth times it appears, the following words:- or until April 1, 2022, whichever is later.

SECTION 17. Section 3 of said chapter 257 is hereby amended by inserting after the word “emergency”, the first time it appears, the following words:- or until January 1, 2023, whichever is later.

SECTION 18. Section 79 of chapter 260 of the acts of 2020, is hereby amended by striking out the words “90 days after termination of the governor’s March 10, 2020 declaration of a state of emergency” and inserting in place thereof the following words:- on December 15, 2021.

SECTION 19. (a) Notwithstanding any general or special law to the contrary, the governor shall provide notice to the clerks of the house of representatives and senate and the house and senate committees on ways and means not less than 45 days before the termination of any public health emergency declared by the governor pursuant to section 2A of chapter 17 of the General Laws in response to the COVID-19 pandemic.

(b) Notwithstanding any general or special law to the contrary, the commissioner of public health shall provide notice to the clerks of the house of representatives and senate and the house and senate committees on ways and means not less than 45 days before the termination of any public health order established pursuant to section 2A of chapter 17 of the General Laws in response to the COVID-19 pandemic.

SECTION 20. (a) For the purposes of this section the following terms shall have the following meanings unless the context clearly requires otherwise:-

“Carriers”, all commercial health insurers, Blue Cross and Blue Shield of Massachusetts, Inc. and health maintenance organizations as defined in section 1 of chapter 178G of the General Laws.

“Division”, the division of insurance established under section 1 of chapter 26 of the General Laws.

“Health Care Provider”, shall have the same meaning as under section 1 of chapter 111 of the General Laws.

(b) Notwithstanding chapter 260 of the acts of 2020 or any other general or special law to the contrary, the group insurance commission and carriers regulated by the division shall:

(i) reimburse acute care hospital providers or other providers with which they contract, but that do not participate in an insured’s health plan, at the contracted rate for medically necessary emergency or inpatient services provided to the insured for COVID-19 related treatment, including all professional, diagnostic and laboratory services. Such payment shall constitute payment in full and no health care provider shall be permitted to balance bill the insured for any amount above the reimbursement paid by the carrier.

(ii) Reimburse acute care hospital providers or other providers with which they do not contract at a rate equal to 135 per cent of the reimbursement rate paid by Medicare in the provider’s geographic region for medically necessary emergency or inpatient services provided to an insured for COVID-19 related treatment, including all professional, diagnostic and

laboratory services, unless a carrier is directed otherwise by the division. Such payment shall constitute payment in full and no health care provider shall be permitted to balance bill the insured for any amount above the reimbursement paid by the carrier.

The commissioner of insurance shall issue guidance to implement this section. Any violation of the terms of the commissioner's guidance shall be a violation of the terms of this section. The division and the department of public health shall enforce the terms of this section and the commissioner's guidance.

SECTION 21. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

"Commission", the alcoholic beverages control commission.

"Outdoor table service", restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space.

(b) Notwithstanding chapter 40A of the General Laws, any special permit, variance or other approval thereunder or any general or special law to the contrary, from the passage of this act until April 1, 2022, a city or town may approve a request for expansion of outdoor table service, including in the description of licensed premises as described in subsection (c), or an extension of an earlier granted approval issued under section 4 of the governor's COVID-19 Order No. 35 or section 1 of the governor's COVID-19 Order No. 50. Before such approval, the mayor, select board or other chief executive as established by charter or special act shall



138 establish the process for approving such requests. Such process shall not be required to comply  
139 with the notice and publication provisions of section 11 of said chapter 40A. An approval under  
140 this section may be exercised immediately upon filing of notice thereof with the city or town  
141 clerk, without complying with any otherwise applicable recording or certification requirements.

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

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

155 (e) Any outdoor table service approved for expansion under this section, including an  
156 amended license issued by a local licensing authority under subsection (c), shall automatically  
157 revert back to the status prior to the approval of the change for expansion of outdoor table  
158 service or in the description of a licensed premises on April 1, 2022. Any extension of an earlier  
159 granted approval issued under section 4 of the governor's COVID-19 Order No. 35 or section 1

of the governor’s COVID-19 Order No. 50 shall automatically revert back to the status prior to the approval issued under said section 4 of the governor’s COVID-19 Order No. 35 or said section 1 of the governor’s COVID-19 Order No. 50 on April 1, 2022.

SECTION 22. (a) For the purposes of this section, “adequate, alternative means of public access” shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body, including, but not limited to, providing public access through telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring.

(b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or special law to the contrary, a public body, as defined in section 18 of said chapter 30A, may conduct its meetings in a public place that is open and physically accessible to the public; provided, however, that the public body shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means of public access. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law, regulation or a local ordinance or by-law, pursuant to which the proceeding is conducted, any adequate, alternative means of public access shall provide for such participation and shall be sufficient to meet such participation requirement.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording or other

comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law, regulation or a local ordinance or by-law that requires allowance for active participation by members of the public.

A public body shall offer its selected adequate, alternative means of public access to its proceedings without subscription, toll or similar charge to the public.

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

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

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

SECTION 23. Notwithstanding sections 80, 80A and 80B of chapter 112 of the General Laws or any other general or special law to the contrary, a student who graduated from a registered nursing or practical nursing program approved by the board of registration in nursing established under section 13 of chapter 13 of the General Laws or who is a senior nursing student

203 attending the last semester of a registered nursing or practical nursing program approved by the  
204 board may practice nursing and shall not be subject to the prohibitions against the unlicensed  
205 practice of nursing under said sections 80, 80A and 80B of said chapter 112; provided, however,  
206 that: (i) the individual is employed by or providing health care services at the direction of a  
207 licensed health care facility or a licensed health care provider; (ii) the individual is directly  
208 supervised while providing health care services; (iii) the health care services are provided in  
209 response to the COVID-19 outbreak; and (iv) the employing licensed health care facility or  
210 licensed health care provider has verified that the individual is a graduate of a registered nursing  
211 or practical nursing program approved by the board or that the individual is a senior nursing  
212 student attending the last semester of a registered nursing or practical nursing program approved  
213 by the board.

214         The board of registration in nursing shall issue guidance to implement this section, which  
215 shall include guidance regarding the appropriate supervision of nursing students.

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

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

SECTION 25. Notwithstanding any other general or special law or regulation to the contrary, a pharmacist or pharmacy intern licensed by the board of registration in pharmacy and in good standing with the board may administer methadone and buprenorphine as medication for the treatment of opioid use disorder in federally certified and Bureau of Substance Addiction Services licensed opioid treatment programs and certified acute treatment services pursuant to a qualified practitioner's order; provided, however, that administration of methadone and buprenorphine as medication for the treatment of opioid use disorder drugs shall be conducted in accordance with federal Substance Abuse and Mental Health Services Administration regulations, 42 CFR Part 8 and the policies and procedures established in accordance with 105 CMR 164.000 et seq; and provided further, that prior to administering drugs under this section, a pharmacist or pharmacy intern shall receive training in federal confidentiality regulation.

SECTION 26. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

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

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

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

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

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

254 SECTION 27. Notwithstanding any general or special law to the contrary, the department  
255 of public health shall not require a notice of determination of need from any person, agency of  
256 the commonwealth or any political subdivision thereof seeking approval for a substantial capital  
257 expenditure, substantial change in service or transfer of site that is necessary to address COVID-  
258 19; provided, however, that any person seeking approval shall comply with all applicable  
259 guidance from the department of health.

260 SECTION 28. Section 20 is hereby repealed.

261 SECTION 29. Sections 22 to 24, inclusive, 26 and 27 are hereby repealed.

262 SECTION 30. Section 25 is hereby repealed.

263 SECTION 31. Section 13 shall take effect 10 days following the termination or  
264 nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of  
265 COVID-19 Order issued by the federal centers for disease control and prevention.

266           SECTION 32. Section 28 shall take effect January 1, 2022.

267           SECTION 33. Section 15 shall take effect on January 1, 2023.

268           SECTION 34. Section 30 shall take effect on April 1, 2022 or 10 days following the  
269 revocation of the United States declaration of a national emergency concerning the novel  
270 coronavirus diseases, whichever is earlier.

271           SECTION 35. Section 29 shall take effect on April 1, 2022.