

SENATE No. 2475

The Commonwealth of Massachusetts

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

SENATE, June 15, 2021

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to extending certain COVID-19 measures adopted during the state of emergency (Senate, No. 2472) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3874),-- reports, in part, a “Bill relative to extending certain COVID-19 measures adopted during the state of emergency.” (Senate, No. 2475).

For the Committee:

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend certain COVID-19 measures adopted during the state of emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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. 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:- May 1, 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:- May 1, 2022.

36 SECTION 11. Said subsection (b) of said section 2 of said chapter 118 is hereby further
37 amended by striking out the words “and (v) if the mixed drink in a sealed container is to be
38 transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall
39 transport the mixed drink in the trunk of the motor vehicle or some other area that is not
40 considered the passenger area, as defined by section 24I of chapter 90 of the General Laws” and
41 inserting in place thereof the following words:- (v) if the mixed drink in a sealed container is to
42 be transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle
43 shall 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. Subsection (a) of section 1 of chapter 257 of the acts of 2020 is hereby
48 amended by striking out the words “the termination of the state of emergency concerning the
49 outbreak of COVID-19 as declared by the governor on March 10, 2020” and inserting in place
50 thereof the following words:- the termination or nullification of the Temporary Halt in
51 Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal
52 Centers for Disease Control and Prevention.

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

55 subsection:- (a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws,
56 chapter 239 of the General Laws or any other general or special law to the contrary, a notice to
57 quit for non-payment of rent given in writing by a landlord to a residential tenant pursuant to said
58 section 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall
59 include, but not be limited to: (i) documentation of any agreements between the tenant and
60 landlord for the tenant to repay the landlord for non-payment of rent; and (ii) information on:
61 (A) rental assistance programs including, but not limited to, the residential assistance for families
62 in transition program; (B) applicable trial court rules, standing orders or administrative orders
63 pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions
64 on residential evictions. The form shall also prominently display the following statement:

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

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

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

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

81 SECTION 16. Section 2 of said chapter 257 is hereby amended by inserting after the
82 word “emergency”, the sixth and ninth times it appears, the following words:- or until April 1,
83 2022, whichever is later.

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

87 SECTION 18. (a) Notwithstanding any general or special law to the contrary, the
88 governor shall provide notice to the clerks of the house of representatives and senate and the
89 house and senate committees on ways and means not less than 45 days before the termination of
90 the public health emergency declared by the governor on May 28, 2021 pursuant to section 2A of
91 chapter 17 of the General Laws in response to the COVID-19 pandemic.

92 (b) Notwithstanding any general or special law to the contrary, the commissioner of
93 public health shall provide notice to the clerks of the house of representatives and senate and the
94 house and senate committees on ways and means not less than 45 days before the termination of
95 any public health order established pursuant to section 2A of chapter 17 of the General Laws in
96 response to the public health emergency declared by the governor on May 28, 2021.

97 SECTION 19. (a) As used in this section, the following words shall, unless the context
98 clearly requires otherwise, have the following meanings:-

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

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

105 (b) Notwithstanding chapter 40A of the General Laws, any special permit, variance or
106 other approval issued thereunder or any general or special law to the contrary, from the effective
107 date of this act until April 1, 2022, a city or town may approve a request for expansion of
108 outdoor table service, including in the description of licensed premises as described in subsection
109 (c), or an extension of an earlier granted approval issued under section 4 of the governor’s
110 COVID-19 Order No. 35 or section 1 of the governor’s COVID-19 Order No. 50. Before such
111 approval, the mayor, select board or other chief executive officer, as established by charter or
112 special act, shall establish the process for approving such requests. Such process shall not be
113 required to comply with the notice and publication provisions of section 11 of said chapter 40A.
114 An approval under this section may be exercised immediately upon filing of notice thereof with
115 the city or town clerk, without complying with any otherwise applicable recording or
116 certification requirements.

117 (c) Pursuant to subsection (b), a local licensing authority may grant approval for a change
118 in the description of the licensed premises for the purpose of permitting outdoor alcohol service

119 as the local licensing authority deems reasonable and proper, and issue an amended license to
120 existing license holders, without further review or approval from the commission prior to
121 issuance. Upon approval of an amended license, the local licensing authority shall provide notice
122 of the amended license to the commission. Nothing in this section shall prevent the commission
123 from exercising the commission’s enforcement authority over an amended license.

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

130 (e) Any outdoor table service approved for expansion under this section, including an
131 amended license issued by a local licensing authority under subsection (c), shall automatically
132 revert back to the status prior to the approval of the change for expansion of outdoor table
133 service or in the description of a licensed premises on April 1, 2022. Any extension of an earlier
134 granted approval issued under section 4 of the governor’s COVID-19 Order No. 35 or section 1
135 of the governor’s COVID-19 Order No. 50 shall automatically revert back to the status prior to
136 the approval issued under said section 4 of the governor’s COVID-19 Order No. 35 or said
137 section 1 of the governor’s COVID-19 Order No. 50 on April 1, 2022.

138 SECTION 20. (a) For the purposes of this section, “adequate, alternative means of public
139 access” shall mean measures that provide transparency and permit timely and effective public
140 access to the deliberations of the public body, including, but not limited to, providing public

141 access through telephone, internet, satellite enabled audio or video conferencing or any other
142 technology that enables the public to clearly follow the proceedings of the public body while
143 those activities are occurring.

144 (b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or
145 special law to the contrary, a public body, as defined in section 18 of said chapter 30A, shall not
146 be required to conduct its meetings in a public place that is open and physically accessible to the
147 public; provided, that if the public body does not conduct the meeting in a public place that is
148 open and physically accessible to the public, the public body shall ensure public access to the
149 deliberations of the public body for interested members of the public through adequate,
150 alternative means of public access. Where active, real-time participation by members of the
151 public is a specific requirement of a general or special law, regulation or a local ordinance or by-
152 law, pursuant to which the proceeding is conducted, any adequate, alternative means of public
153 access shall provide for such participation and shall be sufficient to meet such participation
154 requirement. A municipal public body that for reasons of economic hardship and despite best
155 efforts is unable to provide adequate, alternative means of public access that will enable the
156 public to follow the proceedings of the municipal public body as those activities are occurring in
157 real time may instead post on its municipal website a full and complete transcript, recording or
158 other comprehensive record of the proceedings as soon as practicable upon conclusion of the
159 proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a
160 general or special law, regulation or a local ordinance or by-law that requires allowance for
161 active participation by members of the public. A public body shall offer its selected adequate,
162 alternative means of public access to its proceedings without subscription, toll or similar charge
163 to the public.

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

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

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

175 (f) Notwithstanding said section 20 of said chapter 30A, if this section does not take
176 effect until after June 15, 2021, a public body may provide for remote meetings as specified in
177 this section and any action taken thereof shall be ratified, validated and confirmed as if this
178 section had been in place.

179 SECTION 21. (a) For the purposes of this section "guidelines" shall mean the Guidelines
180 for Use of Space for Screening, Testing or Sample Collection of Patient Presenting with possible
181 COVID-19 Exposure or Illness as established in a memorandum prepared by the bureau of health
182 care safety and quality in the department of public health and dated May 12, 2020.

183 (b) Notwithstanding any general or special law to the contrary, a health clinic may use
184 space selected by the clinic on, adjacent to or reasonably proximate to the health clinic's
185 premises for testing of possible COVID-19 patients; provided, however, that the clinic shall

186 comply with the guidelines, as applicable, and receive any necessary local approvals required for
187 the erection and use of temporary structures.

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

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

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

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

197 “Phlebotomist”, a person whose responsibilities include, but are not limited to: (i)
198 collecting blood samples from patients under the supervision of a licensed physician, nurse
199 practitioner or physician assistant; (ii) separating blood into different test tubes in order for it to
200 be used in medical tests; (iii) accurately labeling said tubes; and (iv) ensuring correct samples are
201 sent to the laboratory.

202 (b) Notwithstanding sections 16 and 265 of chapter 112 of the General Laws or any other
203 general or special law to the contrary, a podiatrist, a phlebotomist, a medical assistant who
204 otherwise does not meet the requirements to administer vaccine pursuant to said section 265 of
205 said chapter 112 and designated Massachusetts Military Division staff may administer COVID-

206 19 vaccines with emergency use authorization from the United States Food and Drug
207 Administration.

208 SECTION 23. Notwithstanding section 11 of chapter 19D of the General Laws or any
209 other general or special law to the contrary, until the termination of the declaration that an
210 emergency exists which is detrimental to the public health declared by the governor on May 28,
211 2021 or until December 15, 2021, whichever is sooner: (i) a nurse employed by an assisted living
212 residence that is certified by the executive office of elder affairs may provide skilled nursing care
213 in accordance with valid medical orders if the nurse holds a valid license to provide such care;
214 (ii) an assisted living residence may retain residents who require skilled care for more than 90
215 consecutive days; (iii) the staffing requirements in 651 CMR 12.06(5)(b) shall not apply;
216 provided, however, that an assisted living residence ensures that it has sufficient staffing at all
217 times to meet the needs of the residents, as set out in guidance issued by the executive office of
218 elder affairs on April 2, 2020; and (iv) the training requirements set out in 651 CMR 12.07 shall
219 not apply; provided, however, that an assisted living residence shall procure staff with adequate
220 experience and provide on-the-job training to safely perform their duties, as set out in said
221 guidance issued by the executive office of elder affairs on April 2, 2020.

222 SECTION 24. Notwithstanding any general or special law to the contrary, the department
223 of unemployment assistance shall continue to enforce the provisions of department's policy
224 memorandum UIPP 2020.12 issued on October 8, 2020 as it applies to caregiver responsibilities
225 and the adjudication of such claims until the expiration of section 4102(b) of the Families First
226 Coronavirus Response Act, Public Law 116-127. Not less than 30 days prior to the
227 discontinuation of any guidance or policy issued by the department that affects claimant

228 eligibility or changes benefits eligibility, a claimant shall be notified in their preferred language
229 and via their preferred method of communication of the discontinuation.

230 SECTION 25. Notwithstanding sections 80, 80A and 80B of chapter 112 of the General
231 Laws or any other general or special law to the contrary, a student who graduated from a
232 registered nursing or practical nursing program approved by the board of registration in nursing
233 established under section 13 of chapter 13 of the General Laws or who is a senior nursing student
234 attending the last semester of a registered nursing or practical nursing program approved by the
235 board may practice nursing and shall not be subject to the prohibitions against the unlicensed
236 practice of nursing under said sections 80, 80A and 80B of said chapter 112; provided, however,
237 that: (i) the individual is employed by or providing health care services at the direction of a
238 licensed health care facility or a licensed health care provider; (ii) the individual is directly
239 supervised while providing health care services; (iii) the health care services are provided in
240 response to the COVID-19 outbreak; and (iv) the employing licensed health care facility or
241 licensed health care provider has verified that the individual is a graduate of a registered nursing
242 or practical nursing program approved by the board or that the individual is a senior nursing
243 student attending the last semester of a registered nursing or practical nursing program approved
244 by the board.

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

247 SECTION 26. Notwithstanding any other general or special law or regulation to the
248 contrary, a pharmacist or pharmacy intern licensed by the board of registration in pharmacy and
249 in good standing with the board may administer methadone and buprenorphine as medication for

250 the treatment of opioid use disorder in federally certified and Bureau of Substance Addiction
251 Services licensed opioid treatment programs and certified acute treatment services pursuant to a
252 qualified practitioner's order; provided, however, that administration of methadone and
253 buprenorphine as medication for the treatment of opioid use disorder drugs shall be conducted in
254 accordance with federal Substance Abuse and Mental Health Services Administration
255 regulations, 42 CFR Part 8 and the policies and procedures established in accordance with 105
256 CMR 164.000 et seq; and provided further, that prior to administering drugs under this section, a
257 pharmacist or pharmacy intern shall receive training in federal confidentiality regulation.

258 SECTION 27. Sections 20, 21, 22 and 25 are hereby repealed.

259 SECTION 28. Section 26 is hereby repealed.

260 SECTION 29. Section 13 shall take effect upon the termination or nullification of the
261 Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order
262 issued by the federal Centers for Disease Control and Prevention.

263 SECTION 30. Section 15 shall take effect on January 1, 2023.

264 SECTION 31. Section 27 shall take effect on April 1, 2022.

265 SECTION 32. Section 28 shall take effect on April 1, 2022 or 10 days following the date
266 of publication in the Federal Register of a revocation of the National Emergency Concerning the
267 Novel Coronavirus Disease (COVID-19) Outbreak pursuant to Proclamation 9994, as continued
268 in the Continuation of the National Emergency Concerning the Coronavirus Disease 2019
269 (COVID-19) Pandemic, whichever is earlier.