

# SENATE . . . . . No. 2475

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
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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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**The Commonwealth of Massachusetts**

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

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.