

Alert | Health Emergency Preparedness Task Force: Coronavirus Disease 2019



April 2020

Massachusetts Extends Non-Essential Business Closures Until May 4 and Updates List of Essential Services

On March 31, 2020, Massachusetts Governor Charlie Baker announced several updates related to the COVID-19 outbreak, including **extending the non-essential business emergency order** previously in effect from April 7, 2020 to May 4, 2020. The Department of Public Health's (DPH) Stay-At-Home Advisory remains in effect, and gatherings of more than 10 people also remain prohibited until May 4, 2020.

As reported in our **March 24, 2020 alert**, under the governor's emergency order, all businesses and organizations that do not provide "COVID-19 Essential Services" must close their physical workplace and facilities to workers, customers, and the public. These businesses are encouraged to continue operations remotely to the extent possible.

Updated List of Essential Services

As part of the extension of the emergency order, the Baker Administration also updated the "COVID-19 Essential Services" categories for businesses and other organizations that provide essential services and workforces related to COVID-19. Businesses providing essential services are permitted to operate brick and mortar facilities during the emergency. The revised list of "**COVID-19 Essential Services**" is based on federal guidance, and went into effect April 1, 2020 at noon.

The updated essential services list further details the types of workers who are permitted to continue working on-site because they work within the manufacturing and supply chain that supports other essential services:

- Workers in medical and biomedical facilities, including retail facilities specializing in medical goods and supplies;
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, and medical devices, diagnostics, equipment and services);
- Workers – including contracted vendors – who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations;
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responders;
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals need for water or water treatment and energy;
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE);
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operation Centers (SOCS) or datacenters);

The new order also adds certain health care providers, such as chiropractors and optometrists to the list, and further expands the types of workers who may provide disinfectant and sanitation services, including pest control specialists and other sanitation workers, among others. Other examples of the expanded essential services list include bicycle maintenance employees, landscapers, and real estate agents. Recreational marijuana shops remain non-essential, while medicinal marijuana has been considered essential from the start.

Additional Restrictions for Lodging and Construction Activities

Some areas where the list of essential services has become more restrictive include hotels, motels, and short-term rentals. These facilities can now only be made available to medical workers and others fighting the spread of the COVID-19 virus, or for those displaced by the pandemic. Under the earlier order, hotels had a blanket exemption. Under the extended order, workers may only remain working at these lodgings provided their facilities are operating in accordance with this updated mandate. The DPH has issued [a specific guidance](#) for hotels, motels, inns, bed and breakfasts, and other short-term residential rentals.

Additionally, the [list of “essential” construction related activities](#) was modified so only construction related to housing (including mixed use with housing) and critical infrastructure is now considered essential. Although the previous definition of construction workers was as follows: “Construction Workers

who support the construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction),” the revised order curtails permitted construction-related activities.

Businesses that provide essential services according to the essential services list do not need to take any further action to continue operating. These businesses will not receive a designation or certification from the Commonwealth specific to their individual company. Further, although designated as essential, according to DPH guidance, these businesses are urged to follow social distancing protocols for workers.

Businesses who believe their work is essential but are not covered by the guidance may [submit an essential business designation request](#) or contact covid19.biz@mass.gov. Businesses that are expressly covered by the guidance are specifically directed not to apply for an essential service designation.

For more information and updates on the developing situation, visit [GT’s Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#).

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