



## **BULLETIN #123/2020 NOVEMBER 2, 2020**

### **CORONAVIRUS UPDATE #92**

#### **GOV. BAKER STEPS UP BATTLE AGAINST COVID-19, ANNOUNCES UPDATED RESTRICTIONS FOR CERTAIN BUSINESS HOURS OF OPERATION**

#### **DEALERSHIPS NOT AFFECTED BY TODAY'S OPERATIONAL RESTRICTIONS ON SIZE AND HOURS – STILL MUST COMPLY WITH PHASE TWO RE-OPENING RULES ISSUED IN JUNE**

#### **NEW MASKING REQUIREMENTS AFFECT EVERYONE**

#### **GOV.'S ORDERS INCLUDE STAY-AT-HOME ADVISORY TO BE FOLLOWED BETWEEN 10:00 P.M. - 5:00 A.M.**

#### **Summary**

Through the issuance of several new executive orders, Gov. Charlie Baker announced today that, effective Friday, November 6, the following businesses and activities must close to the public each day between the hours of 9:30 p.m. and 5:00 a.m. Staff may remain on the premises after the business closes and patrons leave at 9:30 p.m.:

- Restaurants (*In-person dining must end at 9:30 p.m. Takeout and delivery may continue for food and non-alcoholic beverages.*)
- Liquor stores and other retail establishments that sell alcohol must cease alcohol sales at 9:30 p.m. but may continue to sell other products.
- Indoor & outdoor events
- Theaters/movie theaters (including drive-in movie theaters) and performance venues (indoor and outdoor)
- Golf facilities
- Recreational boating and boating businesses
- Outdoor recreational experiences
- Driving and flight schools
- Zoos
- Close contact personal services (such as hair and nail salons)
- Gyms, Fitness Centers and Health Clubs
- Indoor and outdoor pools
- Museums/cultural & historical facilities/guided tours

Masks are required for entrance into all business establishments statewide. Moreover, everyone above the age of five will be required to wear a mask or face covering indoors and outdoors in public, regardless of whether social distancing is practiced.

Dealerships are not affected by today's operational restrictions on events and gatherings



Dealerships are not affected by today's operational restrictions on events and gatherings, as dealership operations presently are regulated by the governor's phase two operational re-opening restrictions, which were issued in June. [Please refer to Bulletins #78 (6/1/20), #79 (6/2/20), #83 (6/6/20), and #84 (6/8/20).]

For COVID-19 Order #53 on new closing hours and alcohol sales, including the complete list of businesses required to close at 9:30 p.m., click [here](#).

For COVID-19 Order #54 on gathering sizes, time limits, and masking, click [here](#).

For COVID-19 Order #55 on masking and face coverings, click [here](#).

For the governor's stay-at-home advisory, click [here](#).

The following story is courtesy of *State House News Service*:

### **New Baker COVID-19 Orders Target Evening Gatherings; Mass. Residents Should be Worried, Guv Says**

Too many people in Massachusetts have let down their guard when it comes to protecting against the Coronavirus that has killed more than 10,000 people here since mid-March and the state must take steps now to slow the spread of the virus or else hospitals will be overrun with COVID-19 patients by the holidays, Gov. Charlie Baker said today.

Starting Friday, November 6, everyone above the age of five in Massachusetts will be [required to wear a mask or face covering](#) indoors and outdoors in public -- regardless of whether social distancing is practiced -- and restaurants and entertainment venues will be subject to a [9:30 p.m. curfew](#), the governor announced. The state's indoor [gathering limit will be lowered](#) to 10 people, down from 25, as well.

"The simple truth is this: too many of us have become complacent in our daily lives. I know it's hard for people to hear me say this time and time again, but it's true," Baker said. "We're doing much better than many other states and many other countries, but here too we've let down our guard and we have work to do."

The governor said his decision to put more restrictive measures in place was made after consultation with public health experts whom he said "are increasingly concerned about the virus's spread and the uptick it creates in hospitalizations." He said health care workers are becoming alarmed by the state's recent resurgence.

"Our health care workers in our hospital systems and first responders have all been MVPs throughout this entire pandemic and they're worried about the trends that they see. You should be too, the people of Massachusetts," Baker said. "Because COVID, as we all know, is a relentless invisible enemy and the data suggests if we don't ramp up the fight to disrupt rising trends, we will have a serious problem on our hands in the not too distant future."

Effective 12:01 a.m. Friday, November 6, the gathering limit will be reduced to 10 people indoors and 25 people outdoors; the Department of Public Health will issue a [stay at home](#)



[advisory](#) that tells people to stay home between 10 p.m. and 5 a.m. except to go to work or for essential purposes; casinos, indoor recreation facilities, theaters and other entertainment venues must close by 9:30 p.m.; restaurants must cease table service by 9:30 p.m.; and all non-medical cannabis and liquor sales must end by 9:30 p.m.

"Since Labor Day, which is 55 days ago, the number of new cases per day has grown by almost 300 percent and over the same period of time the number of people hospitalized on a daily basis is increased by 145 percent," Baker said Monday. "Those trends are obviously heading in the wrong direction ... and the data points to a clear need to do something about these trends."

The local arm of the National Federation of Independent Business was critical of Baker's new orders and said the latest steps threaten to further diminish "an already fragile economy and hinder the state's recovery."

"It is unfortunate when businesses that worked hard for months dutifully complying with every state guideline, protocol, regulation, restriction, and mandate must now scale back. Just as the state unemployment rate has started trending in the right direction, a statewide rollback will certainly threaten those job gains," NFIB State Director Christopher Carozzi said. "Instead of penalizing businesses playing by the rules that are already experiencing a drop in customers and sales, the state should attempt to take a more targeted approach to curb the spread of the virus."

The governor said his intention Monday was to announce measures that stop short of shutting businesses down while reducing "the number of opportunities and activities where people gather in groups and get them home with only members of their household."

"The goal here is to say all this stuff that's going on that's indoors, that's informal, that's not masked, that's close contact where people are sharing food and drink and a sofa is just exactly the wrong thing and it's a big part of why a huge part of the growth in our trend has been in young people who fall into that category," Baker said.

He added, "I think what we're trying to say here is by 10 o'clock people should use their heads and be with the people they live with instead of continuing to perpetuate this constant churning of folks, especially in informal settings in places and spaces where there aren't any rules and there isn't any guidance and people aren't adhering to any of the distance or mask rules that are effective at reducing the spread."

Bob Luz, president and CEO of the Massachusetts Restaurant Association, said restaurants are likely to see more early sittings, noting it's "uncomfortable" to seat diners at 8 p.m. and expect them to be done by 9:30.

"Shutting restaurants down early doesn't stop people from gathering," Luz told Bloomberg Baystate Business Hour Monday afternoon, predicting people will gather instead in unregulated environments so "it actually in my mind potentially enhances the opportunity for this type of gathering."

Restaurants stand to lose business in connection with two upcoming New England Patriots



night games, Luz said, and the policies will also hamper the holiday dining season. "We're talking about employees that have been ravaged," he said. "And this is just, you know, another kick in the gut to them."

Boston Mayor Marty Walsh said Monday morning that he had spoken with Baker about the new orders and supports them "wholeheartedly." The mayor spoke before the effect of Baker's new orders was publicly known.

"Friday, my chief of health and human services Marty Martinez talked about the need, potentially, of rolling back restaurants in the city of Boston, the need for potentially having to roll back gatherings. We don't want to go there," Walsh said. He added, "Before we take drastic measures and shut everything down, we have to try and control this virus ... what he's announcing today I support wholeheartedly."

Violating the governor's new orders could lead to a fine and Baker said "local communities can enforce [the orders] with whatever means they feel is most appropriate."

There were 2,431 new COVID-19 cases confirmed in Massachusetts over the weekend, 10,013 people with confirmed or probable cases of the virus have died here since mid-March, and the autumn resurgence of the virus appears to be underway.

On Friday, Rhode Island Gov. Gina Raimondo announced that she was cutting her state's gathering limit from 15 to 10 people, prohibiting spectators at youth sporting events for the next two weeks, curtailing visits at hospitals and nursing homes, and closing indoor athletic facilities for one week. She said Rhode Island was "on a path" to opening a field hospital in the next few weeks, according to WPRI.

Connecticut also has announced additional restrictions on business operations in its battle against COVID-19.

### **MSADA - YOUR DEALER ANSWER PLACE**

If you have any questions regarding this bulletin, please contact Robert O'Koniewski, Esq., MSADA Executive Vice President, by e-mail at [rokoniewski@msada.org](mailto:rokoniewski@msada.org), or Peter Brennan, Esq., MSADA staff attorney, by e-mail at [pbrennan@msada.org](mailto:pbrennan@msada.org), or either by phone at (617) 451-1051.