

Legal Update Article

Boston Mandates Face Coverings Indoors Effective August 27, 2021

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The City of Boston has announced that, in response to the ongoing COVID-19 pandemic, it will [require individuals to wear face coverings](#) “whenever they are indoors on the premises of a business, club, place of assembly or other place that is open to members of the public, including but not limited to retail establishments, restaurants, bars, performance venues, social clubs, event spaces, and municipal buildings.” The face covering order goes into effect at 8:00 a.m. on August 27, 2021.

The order does not apply to informal gatherings at private residences in which no compensation for use of the property is paid to the owner.

The order exempts the following from the face covering requirement:

- Children under two years of age;
- Anyone who has trouble breathing;
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; or
- Anyone who, due to disability, is unable to wear a mask.

The Boston order requires restaurant, indoor bar, and dance venue customers to wear face coverings except when they are actively eating or drinking. Patrons standing or ordering at the bar must be masked. Guests must be masked on indoor dance floors.

The City also published [FAQs](#) to provide further guidance about the order. The FAQs state the face covering requirement “does not apply to offices or businesses that are not open to the public.” The FAQs further state the mandate will remain in place until there is a “consistent downtrend in the City’s health data and community transmission levels are downgraded.”

Massachusetts has not adopted a face covering mandate. However, in July 2021, the Massachusetts Department of Public Health (DPH) issued a [face covering advisory](#) recommending people who are not fully vaccinated continue to wear face coverings. It also recommended that people who are fully vaccinated wear a face covering when indoors (and not in their own home) if they have a weakened immune system or if they are at increased risk for severe disease because of their age or an underlying medical condition, or if someone in their household has a weakened immune system, is at increased risk for severe disease, or is an unvaccinated adult.

The DPH advisory also states that masks are still mandatory for all individuals on public and private transportation systems (including rideshares, livery, taxi, ferries, MBTA, Commuter Rail, and transportation stations), in healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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