

# Phase III of Massachusetts Reopening Starts July 6

By Michael R. Bertoncini

July 2, 2020

## Meet the Authors



**Michael R. Bertoncini**

Principal

(617) 305-1270

[Michael.Bertoncini@jacksonlewis.com](mailto:Michael.Bertoncini@jacksonlewis.com)

## Related Services

COVID-19

Disability, Leave and Health  
Management

Workplace Safety and Health

Massachusetts Governor Charlie Baker announced that Phase III of the Massachusetts Reopening Plan will begin on July 6, 2020, along with an updated order on gatherings.

For the City of Boston, Phase III and the gatherings order will take effect on July 13.

Phase III allows additional sectors to reopen, including gyms, fitness centers, and museums. Governor Baker stated that this phase will last significantly longer than the first two phases. He also stated Phase IV will not begin until there are therapeutics or a vaccine available.

### Phase III Reopening

Phase III will have a two-step schedule like the one used in Phase II. The following businesses may reopen subject to [sector-specific guidelines](#) and all [mandatory safety standards](#):

- Libraries open for browsing (previously, open for curbside pickup and delivery)
- Casino gaming floors
- Movie theaters
- Horse racing tracks and simulcast facilities
- Fitness centers and health clubs (under 40% occupancy)
- Museums
- Aquariums
- Theaters and performance venues, such as concert halls (outdoor only in Step 1; indoor in Step 2)
- Non-athletic instructional classes in arts/education/life skills (previously, only youths under 18)
- Outdoor events spaces used for gatherings and celebrations
- Motion picture, television, and streaming production
- Limited organized youth and adult amateur sports programs and activities (previously, open outdoors only for adults and indoors for supervised youth programs and activities)
- Other indoor recreation (Step 1: activities with low potential for contact such as batting cages, driving ranges, go karts, bowling alleys, and rock-climbing; Step 2: activities with greater potential for contact such as laser tag, roller skating rinks, trampolines, and obstacle courses)
- Sightseeing and other organized tours, including bus tours, duck tours, harbor cruises, and whale watching
- Historical spaces/sites (outdoor venues previously open)
- Fishing and hunting tournaments and other amateur or professional derbies

In addition, in Phase III, professional sports teams, under the authority of league-wide rules, may hold games without spectators.

### Updated Gatherings Order

Under the updated gatherings order, indoor gatherings are limited to eight people per 1,000 square feet, but should not exceed 25 people in a single enclosed, indoor space.

Outdoor gatherings in enclosed spaces are limited to 25% of the facility's maximum permitted occupancy, with a maximum of 100 people in a single enclosed outdoor space. This includes community events, civic events, sporting events, concerts, conventions, and others. This order does not apply to outdoor, unenclosed gatherings if proper social distancing measures are possible.

### **Public Health Updates**

In Phase III, healthcare providers may continue to provide in-person procedures and services as allowed in Phase II, with the addition of certain group treatment programs and day programs. These programs include adult day health, day habilitation programs, and substance abuse services day treatment and outpatient services. Certain human services programs can reopen, including community-based day services for adults with intellectual and cognitive disabilities and psychosocial rehabilitation clubhouses.

MassHealth is extending its flexible approach to telehealth at least through the end of 2020.

Reopening orders contain extensive requirements, creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

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](#).

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.