



TEMPORARY ORDER REQUIRING COVID-19 VACCINATION FOR INDOOR ENTERTAINMENT, RECREATION, DINING, AND FITNESS SETTINGS IN THE CITY OF BOSTON

DATE OF ORDER: DECEMBER 20, 2021

The Boston Public Health Commission, acting through its duly appointed and authorized agent, Dr. Bisola Ojikutu, pursuant to M.G.L. c. 111, § 30, the Boston Public Health Act of 1995, M.G.L. c. 111 App §§ 2-6, M.G.L. c. 111 §§ 6, 7, 31, 95, 104, 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes as well as the Boston Public Health Commission's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Boston dated March 15, 2020, as extended, hereby enacts and declares as follows:

Whereas, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") in the City of Boston pursuant to declaration of the Boston Public Health Commission dated March 15, 2020 and extended on April 24, 2020 remains in full force and effect;

Whereas, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Boston;

Whereas, as of December 17, 2021, 78.8% of the total Boston resident population has received at least one vaccination dose and 68.4% of Boston the total Boston population is fully vaccinated;

Whereas, 86.6% of the Boston resident population over the age of 12 has received at least one vaccination dose and 75.7% of the population over the age of 12 is fully vaccinated;

Whereas, the positive test rate in Boston has reached 6.7%, up from a low of 0.4% in late June, 2021 and above the Commission's 5% threshold of concern;

Whereas, as of December 7, the percentage of occupied adult non-surge ICU beds has reached 94.5%, approaching the Commission's 95% threshold of concern;

Whereas, vaccinated individuals are less likely to develop serious symptoms or spread COVID-19 to those near them, particularly in indoor settings where social distancing is not possible, where eating and drinking require the removal of face coverings, and where physical exercise and exertion are taking place;

Whereas, the Executive Director of the Boston Public Health Commission, has determined that further temporary measures relative to requiring proof of vaccination for entry into certain indoor settings are necessary to prevent the spread and resurgence of COVID-19 in Boston; and

Whereas, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF BOSTON, AS FOLLOWS:

1. A covered entity shall not permit a patron, full- or part-time employee, intern, volunteer, or on-site contractors to enter a covered premises without displaying proof of vaccination.
2. The following individuals are exempted from this Order, and therefore may enter a covered premises without displaying proof of vaccination, provided that such individuals wear a face mask at all times:
 - a. Individuals entering for a quick and limited purpose (for example, using the restroom, placing or picking up an order or service, making a delivery, or performing necessary repairs);
 - b. A performing artist not regularly employed by the covered entity while they are in a covered premises for purposes of performing;
 - c. A professional athlete/sports team who enters a covered premises as part of their regular employment for purposes of competing; and
 - d. An individual accompanying a performing artist or professional athlete/sports team into a covered premises as part of their regular employment so long as the performing artist or professional athlete/sports team are performing or competing in the covered premises.
3. Each covered entity shall post a sign at the entrance. The sign must alert patrons to the vaccination requirement in this Order and inform them that employees and patrons are required to be vaccinated. The sign will be available at www.boston.gov or available for pick up at city locations.
4. For the purposes of this Order:
 - a. “Covered entity” means any entity that operates one or more covered premises, except that it shall not include pre-kindergarten through grade twelve (12) public and non-public schools and programs, child care programs, senior centers, community centers, or as otherwise indicated by this Order.
 - b. “Covered premises” means any location, except a location in a residential or office building the use of which is limited to residents, owners, or tenants of that building, colleges or universities that have a vaccination requirement covering staff and students, or any other site that is otherwise not open to the general public, that is used for the following purposes:

7. Covered entities shall comply with any guidelines issued by BPHC to further the intent of this Order and increase the number of vaccinated individuals in the City.
8. This Order shall take effect on the following schedule:
 - a. **Phase I: January 15, 2022.** All individuals ages 12 and over shall be required to present proof of at least one dose of vaccination, in either a one-dose or two-dose series.
 - b. **Phase II: February 15, 2022.** All individuals ages 12 and over shall be required to present proof of either one dose of a one-dose series or two doses in a two-dose series.
 - c. **Phase III: March 1, 2022.** All Individuals ages 5 to 11 shall be required to present proof of at least one dose of vaccination, in either a one-dose or two-dose series.
 - d. **Phase IV: May 1, 2022.** All individuals ages 5 and over shall be required to present proof of either one dose of a one-dose series or two doses in a two-dose series.
9. This Order shall remain in effect until rescinded by the Executive Director, in their discretion.

ENFORCEMENT

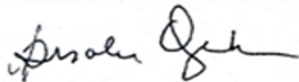
All reasonable efforts will be made to secure voluntary compliance with this Order, including outreach and education, as well as written warnings; however, this Order may be enforced through any and all mechanisms afforded by the authorizing statutes above, including fines of \$300.00 for each violation and orders of the BPHC to cease and desist. The Executive Director may seek the assistance of other City of Boston agencies in ensuring compliance with this order.

NOTICE

The Boston Public Health Commission must promptly provide copies of this Order by posting on the Boston Public Health Commission website (bphc.org) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED:

Dated: December 20, 2021



Dr. Bisola Ojikutu
EXECUTIVE DIRECTOR
BOSTON PUBLIC HEALTH COMMISSION
AS AGENT OF THE BOARD OF HEALTH