



## **ORDER REQUIRING FACE COVERINGS IN THE CITY OF BOSTON**

DATE OF ORDER: August 20, 2021

**The Boston Public Health Commission, acting through its duly appointed and authorized agent, Interim Executive Director Rita Nieves, 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, despite significant improvement in vaccination rates and other key health metrics since the height of the pandemic, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Boston;

Whereas, evidence indicates that the Delta variant is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others;

Whereas, although evidence shows that even against the Delta variant, fully vaccinated individuals have substantial protection against severe illness, hospitalization, and death, in order to maximize protection from the Delta variant, the U.S. Centers for Disease Control and Prevention (CDC) recommends that all persons—regardless of vaccination status—wear face coverings indoors in areas of substantial or high transmission, as defined by the CDC;

Whereas, according to the CDC COVID Data Tracker, the level of community transmission in Suffolk County for the time period between August 9, 2021 and August 15, 2021 is categorized as high;

Whereas, the relevant agencies of the City of Boston, including the Boston Public Health Commission, have determined that further temporary measures 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. All persons shall wear a mask or face covering that covers their nose and mouth, such as a fabric or surgical mask, 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.
2. Restaurant, indoor bar, and dance venue customers may only remove face coverings 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.
3. This Order shall not apply to informal gatherings at private residences in which no compensation for use of the property is paid to the owner.
4. Notwithstanding any provision in this Order, pursuant to guidance issued by the CDC, face coverings are not required for 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.
5. The mask requirement shall not apply to performers, while performing, provided that they are at least six feet away from any customers.
6. Additional guidance may be issued by the Boston Public Health Commission or any other designee agency to clarify and implement this Order.
7. This Order shall take effect on 8:00 a.m. on August 27<sup>th</sup>, 2021 and 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, however this Order may be enforced through an order of a court of competent jurisdiction. The Executive

Director may seek the assistance of other City of Boston agencies in ensuring compliance with this order.

## **NOTICE**

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

**IT IS SO ORDERED:**

**Dated: August 20, 2021**



**Rita Nieves**  
**INTERIM EXECUTIVE DIRECTOR**  
**BOSTON PUBLIC HEALTH COMMISSION**