

SENATE No. 2467

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

SENATE, June 10, 2021.

The committee on Senate Ways and Means to whom was referred the petition (accompanied by bill, Senate, No. 27) of William N. Brownsberger for legislation to extend COVID-19 accommodations for municipalities in elections and for representative town meetings, - reported, in part, a "Bill relative to extending certain COVID-19 measures adopted during the state of emergency." (Senate, No. 2467) (also based on Senate, No 2452).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to extending certain COVID-19 measures adopted during the state of emergency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13 of chapter 53 of the acts of 2020, as amended by section 1 of
2 chapter 118 of the acts of 2020, is hereby further amended by striking out the words “February
3 28, 2021” and inserting in place thereof the following words:- March 1, 2022.

4 SECTION 2. Section 15 of said chapter 53 is hereby amended by striking out the words
5 “and 60 days thereafter” and inserting in place thereof the following words:- or until December
6 15, 2021, whichever is later.

7 SECTION 3. Section 16 of said chapter 53 is hereby amended by striking out the words
8 “and 60 days thereafter and” and inserting in place thereof the following words:- or until
9 December 15, 2021, whichever is later, and.

10 SECTION 4. Section 8 of chapter 71 of the acts of 2020 is hereby amended by striking
11 out the words “3 business days after termination of the governor’s March 10, 2020 declaration of
12 a state of emergency” and inserting in place thereof the following words:- on December 15,
13 2021.

14 SECTION 5. Section 7 of chapter 92 of the acts of 2020 is hereby amended by striking
15 out the words “emergency at” and inserting in place thereof the following words:- or during a
16 period ending on December 15, 2021, whichever period ends later, at.

17 SECTION 6. Section 8 of said chapter 92 is hereby amended by inserting after the word
18 “emergency” the following words:- or during a period ending on December 15, 2021, whichever
19 period ends later.

20 SECTION 7. Section 2 of chapter 118 of the acts of 2020 is hereby amended by striking
21 out the words “February 28, 2021” and inserting in place thereof the following words:- March 1,
22 2022.

23 SECTION 8. Subsection (a) of chapter 255 of the acts of 2020, as amended by section 4
24 of chapter 5 of the acts of 2021, is hereby further amended by striking out the words “annual or
25 special municipal or state primary or election held on or before June 30, 2021” and inserting in
26 place thereof the following words:- regular or special municipal or state preliminary, primary or
27 general election held on or before December 15, 2021.

28 SECTION 9. Subsection (b) of said chapter 255, as amended by section 5 of said chapter
29 5, is hereby further amended by striking out the words “annual or special municipal or state
30 primary or election held on or before June 30, 2021” and inserting in place thereof the following
31 words:- regular or special municipal or state preliminary, primary or general election held on or
32 before December 15, 2021.

33 SECTION 10. Subsection (c) of said chapter 255, as amended by section 6 of said
34 chapter 5, is hereby further amended by striking out the words “annual or special municipal or

35 state primary or election held on or before June 30, 2021” and inserting in place thereof the
36 following words:- regular or special municipal or state preliminary, primary or general election
37 held on or before December 15, 2021.

38 SECTION 11. Subsection (l) of said chapter 255, as amended by section 7 of said
39 chapter 5, is hereby further amended by striking out the words “annual or special municipal
40 election held on or before June 30, 2021” and inserting in place thereof the following words:-
41 regular or special municipal preliminary, primary or general election held on or before December
42 15, 2021.

43 SECTION 12. Subsection (a) of section 1 of chapter 257 of the acts of 2020 is hereby
44 amended by striking out the words “the termination of the state of emergency concerning the
45 outbreak of COVID-19 as declared by the governor on March 10, 2020” and inserting in place
46 thereof the following words:- 10 days after the termination or nullification of the Temporary Halt
47 in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal
48 Centers for Disease Control and Prevention.

49 SECTION 13. Said section 1 of said chapter 257 is hereby further amended by striking
50 out subsection (a), as amended by section 12, and inserting in place thereof the following
51 subsection:-

52 (a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws, chapter
53 239 of the General Laws or any other general or special law to the contrary, a notice to quit for
54 nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section
55 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall include, but
56 not be limited to, information on: (i) rental assistance programs including, but not limited to, the

57 residential assistance for families in transition program; (ii) applicable trial court rules, standing
58 orders or administrative orders pertaining to actions for summary process; and (iii) any relevant
59 federal or state legal restrictions on residential evictions. The form shall also prominently display
60 the following statement:

61 “THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO
62 IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING
63 IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER
64 CAN FORCE YOU TO LEAVE YOUR UNIT.”

65 The executive office of housing and economic development shall develop the form
66 required under this subsection and make it publicly available on its website. The information
67 shall be made available in the 5 most common languages in the commonwealth, in addition to
68 English. A court having jurisdiction over an action for summary process pursuant to said chapter
69 239, including the Boston municipal court department, shall not, in an eviction for nonpayment
70 of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without
71 proof of delivery of the form required under this subsection.

72 SECTION 14. Subsection (b) of said section 1 of said chapter 257 is hereby amended by
73 striking out the words “from the passage of this act until the termination of the state of
74 emergency concerning the outbreak of the novel coronavirus disease, also known as COVID-19,
75 declared by the governor on March 10, 2020,”.

76 SECTION 15. Said section 1 of said chapter 257 is hereby repealed.

77 SECTION 16. Section 2 of said chapter 257 is hereby amended by inserting after the
78 word “emergency”, the sixth and ninth times it appears, the following words:- or until April 1,
79 2022, whichever is later.

80 SECTION 17. Section 3 of said chapter 257 is hereby amended by inserting after the
81 word “emergency”, the first time it appears, the following words:- or until January 1, 2023,
82 whichever is later.

83 SECTION 18. Section 79 of chapter 260 of the acts of 2020, is hereby amended by
84 striking out the words “90 days after termination of the governor’s March 10, 2020 declaration of
85 a state of emergency” and inserting in place thereof the following words:- on December 15,
86 2021.

87 SECTION 19. (a) Notwithstanding any general or special law to the contrary, the
88 governor shall provide notice to the clerks of the house of representatives and senate and the
89 house and senate committees on ways and means not less than 45 days before the termination of
90 any public health emergency declared by the governor pursuant to section 2A of chapter 17 of
91 the General Laws in response to the COVID-19 pandemic.

92 (b) Notwithstanding any general or special law to the contrary, the commissioner of
93 public health shall provide notice to the clerks of the house of representatives and senate and the
94 house and senate committees on ways and means not less than 45 days before the termination of
95 any public health order established pursuant to section 2A of chapter 17 of the General Laws in
96 response to the COVID-19 pandemic.

97 SECTION 20. (a) For the purposes of this section the following terms shall have the
98 following meanings unless the context clearly requires otherwise:-

99 “Carriers”, all commercial health insurers, Blue Cross and Blue Shield of Massachusetts,
100 Inc. and health maintenance organizations as defined in section 1 of chapter 178G of the General
101 Laws.

102 “Division”, the division of insurance established under section 1 of chapter 26 of the
103 General Laws.

104 “Health Care Provider”, shall have the same meaning as under section 1 of chapter 111
105 of the General Laws.

106 (b) Notwithstanding chapter 260 of the acts of 2020 or any other general or special law
107 to the contrary, the group insurance commission and carriers regulated by the division shall:

108 (i) reimburse acute care hospital providers or other providers with which they contract,
109 but that do not participate in an insured’s health plan, at the contracted rate for medically
110 necessary emergency or inpatient services provided to the insured for COVID-19 related
111 treatment, including all professional, diagnostic and laboratory services. Such payment shall
112 constitute payment in full and no health care provider shall be permitted to balance bill the
113 insured for any amount above the reimbursement paid by the carrier.

114 (ii) Reimburse acute care hospital providers or other providers with which they do not
115 contract at a rate equal to 135 per cent of the reimbursement rate paid by Medicare in the
116 provider’s geographic region for medically necessary emergency or inpatient services provided
117 to an insured for COVID-19 related treatment, including all professional, diagnostic and

118 laboratory services, unless a carrier is directed otherwise by the division. Such payment shall
119 constitute payment in full and no health care provider shall be permitted to balance bill the
120 insured for any amount above the reimbursement paid by the carrier.

121 The commissioner of insurance shall issue guidance to implement this section. Any
122 violation of the terms of the commissioner’s guidance shall be a violation of the terms of this
123 section. The division and the department of public health shall enforce the terms of this section
124 and the commissioner’s guidance.

125 SECTION 21. (a) As used in this section, the following words shall have the following
126 meanings unless the context clearly requires otherwise:-

127 “Commission”, the alcoholic beverages control commission.

128 “Outdoor table service”, restaurant service that includes food prepared on-site and under
129 food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to
130 seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn,
131 parking area or other outdoor space.

132 (b) Notwithstanding chapter 40A of the General Laws, any special permit, variance or
133 other approval thereunder or any general or special law to the contrary, from the passage of this
134 act until April 1, 2022, a city or town may approve a request for expansion of outdoor table
135 service, including in the description of licensed premises as described in subsection (c), or an
136 extension of an earlier granted approval issued under section 4 of the governor’s COVID-19
137 Order No. 35 or section 1 of the governor’s COVID-19 Order No. 50. Before such approval, the
138 mayor, select board or other chief executive as established by charter or special act shall

139 establish the process for approving such requests. Such process shall not be required to comply
140 with the notice and publication provisions of section 11 of said chapter 40A. An approval under
141 this section may be exercised immediately upon filing of notice thereof with the city or town
142 clerk, without complying with any otherwise applicable recording or certification requirements.

143 (c) Pursuant to subsection (b), a local licensing authority may grant approval for a
144 change in the description of the licensed premises for the purpose of permitting outdoor alcohol
145 service as the local licensing authority deems reasonable and proper, and issue an amended
146 license to existing license holders, without further review or approval from the commission prior
147 to issuance. Upon approval of an amended license, the local licensing authority shall provide
148 notice of the amended license to the commission. Nothing in this section shall prevent the
149 commission from exercising the commission's enforcement authority over an amended license.

150 (d) Before approving any request to extend an earlier granted approval issued under
151 section 4 of the governor's COVID-19 Order No. 35 or section 1 of the governor's COVID-19
152 Order No. 50, a city, town or local licensing authority may modify the scope of the approval as
153 the city, town or local licensing authority deems proper and appropriate including, but not
154 limited to, modifying the terms of an earlier granted approval to address potential issues with
155 snow removal, pedestrian traffic or similar concerns.

156 (e) Any outdoor table service approved for expansion under this section, including an
157 amended license issued by a local licensing authority under subsection (c), shall automatically
158 revert back to the status prior to the approval of the change for expansion of outdoor table
159 service or in the description of a licensed premises on April 1, 2022. Any extension of an earlier
160 granted approval issued under section 4 of the governor's COVID-19 Order No. 35 or section 1

161 of the governor’s COVID-19 Order No. 50 shall automatically revert back to the status prior to
162 the approval issued under said section 4 of the governor’s COVID-19 Order No. 35 or said
163 section 1 of the governor’s COVID-19 Order No. 50 on April 1, 2022.

164 SECTION 22. (a) For the purposes of this section, “adequate, alternative means of public
165 access” shall mean measures that provide transparency and permit timely and effective public
166 access to the deliberations of the public body, including, but not limited to, providing public
167 access through telephone, internet, satellite enabled audio or video conferencing or any other
168 technology that enables the public to clearly follow the proceedings of the public body while
169 those activities are occurring.

170 (b) Notwithstanding section 20 of chapter 30A of the General Laws or any general or
171 special law to the contrary, a public body, as defined in section 18 of said chapter 30A, may
172 conduct its meetings in a public place that is open and physically accessible to the public;
173 provided, however, that the public body shall ensure public access to the deliberations of the
174 public body for interested members of the public through adequate, alternative means of public
175 access. Where allowance for active, real-time participation by members of the public is a specific
176 requirement of a general or special law, regulation or a local ordinance or by-law, pursuant to
177 which the proceeding is conducted, any adequate, alternative means of public access shall
178 provide for such participation and shall be sufficient to meet such participation requirement.

179 A municipal public body that for reasons of economic hardship and despite best efforts is
180 unable to provide alternative means of public access that will enable the public to follow the
181 proceedings of the municipal public body as those activities are occurring in real time may
182 instead post on its municipal website a full and complete transcript, recording or other

183 comprehensive record of the proceedings as soon as practicable upon conclusion of the
184 proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a
185 general or special law, regulation or a local ordinance or by-law that requires allowance for
186 active participation by members of the public.

187 A public body shall offer its selected adequate, alternative means of public access to its
188 proceedings without subscription, toll or similar charge to the public.

189 (c) Notwithstanding subsection (d) of section 20 of chapter 30A of the General Laws or
190 any other general or special law to the contrary, a public body may allow remote participation by
191 all members in any meeting of the public body and a quorum of the body and the chair shall not
192 be required to be physically present at a specified meeting location.

193 (d) A public body that elects to conduct its proceedings under this section shall ensure
194 that any party entitled or required to appear before it shall be able to appear through remote
195 means, as if the party were a member of the public body and participating remotely as provided
196 in subsection (b).

197 (e) All other provisions of sections 18 to 25 of chapter 30A of the General Laws and the
198 attorney general's implementing regulations shall otherwise remain unchanged and fully
199 applicable to the activities of public bodies.

200 SECTION 23. Notwithstanding sections 80, 80A and 80B of chapter 112 of the General
201 Laws or any other general or special law to the contrary, a student who graduated from a
202 registered nursing or practical nursing program approved by the board of registration in nursing
203 established under section 13 of chapter 13 of the General Laws or who is a senior nursing student

204 attending the last semester of a registered nursing or practical nursing program approved by the
205 board may practice nursing and shall not be subject to the prohibitions against the unlicensed
206 practice of nursing under said sections 80, 80A and 80B of said chapter 112; provided, however,
207 that: (i) the individual is employed by or providing health care services at the direction of a
208 licensed health care facility or a licensed health care provider; (ii) the individual is directly
209 supervised while providing health care services; (iii) the health care services are provided in
210 response to the COVID-19 outbreak; and (iv) the employing licensed health care facility or
211 licensed health care provider has verified that the individual is a graduate of a registered nursing
212 or practical nursing program approved by the board or that the individual is a senior nursing
213 student attending the last semester of a registered nursing or practical nursing program approved
214 by the board.

215 The board of registration in nursing shall issue guidance to implement this section,
216 which shall include guidance regarding the appropriate supervision of nursing students.

217 SECTION 24. (a) For the purposes of this section “guidelines” shall mean the Guidelines
218 for Use of Space for Screening, Testing or Sample Collection of Patient Presenting with possible
219 COVID-19 Exposure or Illness as established in a memorandum prepared by the department of
220 public health’s bureau of health care safety and quality and dated May 12, 2020.

221 (b) Notwithstanding any general or special law to the contrary, a health clinic may use
222 space selected by the clinic on, adjacent to or reasonably proximate to the health clinic’s
223 premises for testing of possible COVID-19 patients; provided, however, that the clinic shall
224 comply with the guidelines, as applicable, and receive any necessary local approvals required for
225 the erection and use of temporary structures.

226 SECTION 25. Notwithstanding any other general or special law or regulation to the
227 contrary, a pharmacist or pharmacy intern licensed by the board of registration in pharmacy and
228 in good standing with the board may administer methadone and buprenorphine as medication for
229 the treatment of opioid use disorder in federally certified and Bureau of Substance Addiction
230 Services licensed opioid treatment programs and certified acute treatment services pursuant to a
231 qualified practitioner’s order; provided, however, that administration of methadone and
232 buprenorphine as medication for the treatment of opioid use disorder drugs shall be conducted in
233 accordance with federal Substance Abuse and Mental Health Services Administration
234 regulations, 42 CFR Part 8 and the policies and procedures established in accordance with 105
235 CMR 164.000 et seq; and provided further, that prior to administering drugs under this section, a
236 pharmacist or pharmacy intern shall receive training in federal confidentiality regulation.

237 SECTION 26. (a) As used in this section, the following words shall have the following
238 meanings unless the context clearly requires otherwise:

239 “Designated Massachusetts Military Division staff”, military personnel who are certified
240 by the United States Army as Combat Lifesavers.

241 “Medical assistant”, a person who performs basic administrative, clerical and clinical
242 duties under the direct supervision of a licensed physician, nurse practitioner or physician
243 assistant.

244 “Phlebotomist”, a person whose responsibilities include, but are not limited to: (i)
245 collecting blood samples from patients under the supervision of a licensed physician, nurse
246 practitioner or physician assistant; (ii) separating blood into different test tubes in order for it to

247 be used in medical tests; (iii) accurately labeling said tubes; and (iv) ensuring correct samples are
248 sent to the laboratory.

249 (b) Notwithstanding sections 16 and 265 of chapter 112 of the General Laws or any other
250 general or special law to the contrary, a podiatrist licensed pursuant to said section 16 of said
251 chapter 112, a phlebotomist, a medical assistant who otherwise does not meet the requirements to
252 administer vaccine pursuant to said section 265 of said chapter 112 and designated
253 Massachusetts Military Division staff may administer COVID-19 vaccines with emergency use
254 authorization from the United States Food and Drug Administration.

255 SECTION 27. Notwithstanding any general or special law to the contrary, the
256 department of public health shall not require a notice of determination of need from any person,
257 agency of the commonwealth or any political subdivision thereof seeking approval for a
258 substantial capital expenditure, substantial change in service or transfer of site that is necessary
259 to address COVID-19; provided, however, that any person seeking approval shall comply with
260 all applicable guidance from the department of health.

261 SECTION 28. Section 20 is hereby repealed.

262 SECTION 29. Sections 22 to 24, inclusive, 26 and 27 are hereby repealed.

263 SECTION 30. Section 25 is hereby repealed.

264 SECTION 31. Section 13 shall take effect 10 days following the termination or
265 nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of
266 COVID-19 Order issued by the federal centers for disease control and prevention.

267 SECTION 32. Section 28 shall take effect January 1, 2022.

268 SECTION 33. Section 15 shall take effect on January 1, 2023.

269 SECTION 34. Section 30 shall take effect on April 1, 2022 or 10 days following the
270 revocation of the United States declaration of a national emergency concerning the novel
271 coronavirus diseases, whichever is earlier.

272 SECTION 35. Section 29 shall take effect on April 1, 2022.