

HRW CLIENT ALERT

July 29
2020



COVID-19 Travel Order Takes Effect on August 1, 2020

On July 24, 2020, Massachusetts Governor Charlie Baker issued COVID-19 Order No. 45, an “Order Instituting a Mandatory 14-Day Quarantine Requirement for Travelers Arriving in Massachusetts,” which takes effect August 1. Please [click here for a copy of the Order](#). Massachusetts Department of Public Health (DPH) issued related guidance, which is available [here](#).

COVID-19 Travel Order

The Order mandates that, effective August 1, anyone entering Massachusetts—including both residents and non-residents—must quarantine for 14 days upon arrival unless they fall within one of the following exceptions:

- 1) Traveled from a COVID-19 lower-risk state to Massachusetts and, other than transitory travel, they have not spent any time in a state or jurisdiction that is not on the list of COVID-19 lower-risk states within the past 14 days;
- 2) Received a negative COVID-19 test no longer than 72 hours prior to arrival in Massachusetts and can provide the test result upon request; or
- 3) Additional circumstance-specific exceptions (see below).

Those who are not exempt must comply with the DPH quarantine requirements and submit a Massachusetts Travel Form, as explained below. Prior to August 1, Massachusetts’ existing travel policy remains in effect, which is available [here](#).

COVID-19 Lower-Risk States

The list of COVID-19 lower-risk states from which someone may enter Massachusetts without quarantining may be revised from time-to-time, and the current list is available [here](#).

The Order “strongly discourage[s]” employers from requiring or allowing business-related travel to destinations not on this list, and it amends Massachusetts’ COVID-19 Workplace Safety Rules to specify that employers should take measures to ensure employees comply with all state-issued rules concerning out of state travel for any employer-paid or employer-reimbursed travel.

In addition, the Order states that employers should “strongly discourage” their employees from personal travel to destinations not on the COVID-19 lower-risk states list.

Circumstance Specific Exceptions to Quarantine

The Order also provides a limited number of circumstance-specific exceptions to the quarantine requirement, including:

- 1) Person in transit who merely passes through Massachusetts;

- 2) Person who regularly commutes to or from Massachusetts for work or school;
- 3) Patient who must travel to Massachusetts to receive medical treatment;
- 4) Military personnel required to travel to Massachusetts; and
- 5) Person performing critical infrastructure services.

Quarantine Requirement and Massachusetts Travel Form

All those entering Massachusetts who do not fall within an exception must quarantine for 14 days, starting immediately upon arrival, in accordance with DPH requirements. The full quarantine requirements are listed [here](#) and include:

- Travelers, along with their travel party, must separate from all other people for 14 days.
- Travelers must not be in public or otherwise leave the identified quarters.
- Travelers must be able to self-quarantine from other household members if symptoms develop.
- No one else should be in the living quarters other than those in the travel party.
- Travelers must have a sufficient supply of face masks or face coverings and comply with [Massachusetts' face coverings Order](#).
- Travelers are not to leave their living quarters except to receive urgent medical care.
- Travelers should engage in proper hygiene, including frequent hand washing.
- Travelers should remain aware of potential COVID-19 symptoms, and travelers with any of these symptoms should immediately contact a healthcare provider.

If no one in the travel party develops COVID-19 symptoms, the travel party may discontinue their quarantine and continue with normal activities after 14 days. Those entering Massachusetts who are required to quarantine must complete [the Massachusetts Travel Form](#) prior to arrival.

Returning Students

DPH has specified that the Order applies to students returning to Massachusetts, as well as parents, guardians, or family members who are dropping them off, unless they are covered by the transitory travel exception.

Enforcement and Penalties for Violating the Order

The Order will be enforced by DPH and DPH may request enforcement assistance from local boards of health. Failure to comply with the Order may result in a civil fine of \$500/day.

Employer Next Steps

Employers may wish to draft a COVID-19 travel policy consistent with this Order. For assistance with drafting such a policy, please contact a member of the HRW COVID-19 Team, listed below.

For Questions/More Information

For any questions, including compliance assistance, please contact a member of the HRW COVID-19 Team:

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