

**SENATE . . . . . No. 2452**

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**The Commonwealth of Massachusetts**



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LIEUTENANT GOVERNOR

*May 25, 2021*

To the Honorable Senate and House of Representatives,

On May 17, 2021, I announced that the Commonwealth will take the final steps in reopening Massachusetts and lifting restrictions related to the COVID-19 pandemic. Most restrictions, including limitations placed on businesses, will be rescinded effective May 29. On June 15, I will end the State of Emergency that I declared on March 10, 2020.

In order to manage an orderly transition from emergency measures adopted by executive order during the period of the State of Emergency, I am filing this legislation to temporarily extend three of these emergency measures beyond June 15.

The first measure I am proposing to extend makes certain adjustments to the Open Meeting Law. Under an executive order I issued on March 12, 2020, public bodies have been allowed to hold fully remote or virtual meetings, so long as they provide an adequate, alternative means — generally a web-based live stream of their proceedings — for the public to access these meetings. In addition, public bodies have been permitted to meet any quorum requirement in reliance on members who are participating remotely. These measures were primarily intended to allow state and local boards and committees to continue to conduct their work safely during the pandemic, but both the public and members of these public bodies have found these virtual meeting options to be beneficial. In order to allow time for full consideration and debate of possible longer-term modifications to the Open Meeting Law, I am proposing legislation that would extend these current special allowances, as established in COVID-19 Order No.1, until September 1, 2021.

The second measure I am proposing to extend will provide certainty for restaurants that have been successfully offering outdoor dining under an expedited municipal permitting process established by executive order. This process has allowed municipalities to more quickly approve restaurants' requests for new or expanded allowances to provide outdoor table service and outdoor alcohol service. Without legislative action, the special permits issued under this executive order will expire 60 days after the end of the State of Emergency. The legislation I am filing would permit cities and towns to extend permits granted through the process authorized by executive order through November 29, 2021, or an earlier date chosen by the municipality.

Finally, I am proposing to extend special surprise billing protections for patients who receive COVID-related emergency and inpatient services. While the health care bill I signed into law on January 1, 2021 established surprise billing protections for patients, those protections only apply to non-emergency services, and the vast majority of COVID hospitalizations occur on an emergency basis. The federal "No Surprises Act" passed at the end of 2020 does include protections for both emergency and non-emergency services, but it does not become effective until January 1, 2022. Without a state law provision to prohibit providers from balance billing, there will be a gap in protections for patients until those federal protections take effect. I am therefore proposing legislation to extend the surprise billing protections established in COVID-19 Order No. 61 until January 1, 2022.

I am grateful for our administration's partnership with the Legislature throughout this pandemic, and I look forward to continuing to work with you as the Commonwealth finally and fully emerges from this crisis. I urge your favorable consideration of this legislation prior to June 15 to ensure that these important provisions will remain in place beyond the State of Emergency.

Respectfully submitted

Charles D. Baker,  
*Governor*

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Senate, May 25, 2021 -- Message from His Excellency the Governor recommending legislation to temporarily extend certain measures adopted in the state of emergency

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
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An Act to temporarily extend certain measures adopted in the state of emergency.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for a temporary continuation of certain special measures adopted by executive order to address the COVID-19 state of emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Notwithstanding any provision to the contrary in chapter 30A of the  
2   General Laws or in 940 CMR 29, and notwithstanding the termination of the state of emergency  
3   concerning the novel coronavirus disease outbreak declared by the Governor on March 10, 2020,  
4   public bodies may conduct deliberations entirely by remote means in a manner consistent with  
5   the allowances of the Governor’s Order Suspending Certain Provisions of the Open Meeting  
6   Law, G. L. c. 30A, § 20, dated March 12, 2020, provided that a public body complies with all of  
7   the requirements specified in said Governor’s Order.

8           SECTION 2. Notwithstanding chapter 40A of the general laws, or any special permit,  
9   variance or other approval thereunder, or any other general or special law to the contrary, and

10 notwithstanding the termination of the state of emergency concerning the novel coronavirus  
11 disease outbreak declared by the Governor on March 10, 2020, a chief executive or local  
12 licensing authority of a city or town may elect to extend until November 29, 2021 or until an  
13 earlier date any approval granted to permit or expand outside table service or outdoor alcohol  
14 service that has issued under the terms of and through a process adopted in accordance with (i)  
15 section 1 of the Governor's Order Making Certain Phase III Adjustments, dated September 10,  
16 2020; and (ii) section 4 of the Governor's Order Clarifying the Progression of the  
17 Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening  
18 Preparations at Phase II Workplaces, dated June 1, 2020.

19 SECTION 3. Notwithstanding chapter 260 of the acts of 2020 or any other general or  
20 special law to the contrary, and notwithstanding the termination of the state of emergency  
21 concerning the novel coronavirus disease outbreak declared by the Governor on March 10, 2020,  
22 the provisions of the Governor's Revised Order Expanding Access to Inpatient Services, dated  
23 January 21, 2021, that prohibit balance billing shall continue to prohibit a health care provider, as  
24 defined in section 1 of chapter 111 of the General Laws, from billing an insured for any balance  
25 or other amount above the reimbursement paid by a carrier for medically necessary emergency or  
26 inpatient services provided to the insured for COVID-19 related treatment, including all  
27 professional, diagnostic and laboratory services. For purposes of this section, the term carrier  
28 shall include the Group Insurance Commission and all Commercial Health Insurers, Blue Cross  
29 and Blue Shield of Massachusetts, Inc., and Health Maintenance Organizations regulated by the  
30 Division of Insurance.

31 SECTION 4. Section 1 is hereby repealed.

32 SECTION 5. Section 3 is hereby repealed.

33 SECTION 6. Section 4 shall take effect on September 1, 2021.

34 SECTION 7. Section 5 shall take effect on January 1, 2022.