



City of Boston  
Mayor Michelle Wu  
Licensing Board

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## **THE LICENSING BOARD FOR THE CITY OF BOSTON'S ADVISORY REGARDING UPDATED COVID-19 OPERATIONAL PROTOCOLS**

Updated: January 14, 2022

On December 20, 2021, based on incoming public health metrics, Mayor Michelle Wu announced updated COVID-19 operational protocols including, but not limited to, a vaccine mandate for certain indoor spaces in the City of Boston effective Saturday, January 15, 2022. The Licensing Board for the City of Boston (the "Board") issues this advisory (the "Advisory") to assist our Licensees in complying with the updated operational protocols.

The operational protocols below apply to three categories of businesses ("covered businesses"):

- **Indoor Dining** - the indoor portions of food service establishments offering food and/or drink, including restaurants, bars, and all indoor dining areas of food service establishments. (Does not include food service establishments offering food and/or drink exclusively for off-premises or outdoor consumption, or to a food service establishment providing charitable food services such as soup kitchens);
- **Indoor Entertainment, Recreational, and Event Venues** - including movie theaters, music or concert venues, commercial event and party venues, museums and galleries, professional sports arenas and indoor stadiums, convention centers and exhibition halls, performing arts theaters, bowling alleys, and other recreational centers;
- **Indoor Gyms and Fitness Settings** - commercial gyms, fitness, yoga/pilates/barre/dance studios, boxing/kickboxing gyms, fitness boot camps, indoor pools, and other facilities used for conducting group fitness classes.

1. **Each Licensee must carefully review and abide by the [City's Guidance](#) as this Advisory is meant to supplement the same and is not exhaustive.**
2. Effective January 15, 2022, covered businesses must place a public notice stating that proof of vaccination is required. For single-purpose covered businesses (e.g., a restaurant or bar), signage may be placed at the front entrance to the establishment. For multi-purpose establishments, signage may be placed at the entrance of the covered portion of the premises (e.g., at the entrance to a hotel bar, rather than the entrance to the hotel itself).

3. Effective January 15, 2022, all employees of covered businesses must show proof of having received one dose of vaccination against COVID-19.<sup>1</sup>
4. Effective January 15, 2022, covered businesses must check all patrons ages 12 years and over for proof of having received one dose of vaccination against COVID-19 upon entry.
  - a. **Patrons do not need to display proof of vaccination for an entry for a quick and limited purpose, such as using the restroom or placing a takeout order.**
  - b. Covered businesses that offer both dine-in and takeout service only need to check for proof of vaccination of dine-in patrons.
5. Additional vaccinations will be required of both employees and patrons 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.
6. Proof of vaccination can may be established by showing any of the following:
  - a. A CDC COVID-19 Vaccination Record Card;
  - b. A digital image of the CDC card;
  - c. Any other official immunization record from the jurisdiction, state, or country where the vaccine was administered;
  - d. A digital or physical photo of such a card or record, reflecting the person's name, vaccine brand, and date administered;
  - e. A letter, digital image, or report from a health care provider, pharmacy, or vaccination site establishing proof of COVID-19 vaccination; or
  - f. Any vaccination verification smartphone application developed by the Commonwealth of Massachusetts, or developed or endorsed by the City of Boston.

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<sup>1</sup> Please note that the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") does not prohibit an individual or business from asking or requiring documentation as to whether an individual has received a particular vaccine, including COVID-19 vaccines. For more information, see [guidance issued by the U.S. Department of Health & Human Services](#) on September 30, 2021.

7. If an employee requests an exception to the vaccine requirement or additional time to provide their proof of vaccination for a medical condition, disability, or other civil-rights related reason, Licensees should engage in a cooperative dialogue to see if a reasonable accommodation is possible. While specific determinations are the responsibility of the Licensee and should be made on a case-by-case basis, examples of reasonable accommodations may include reassigning an employee to a different job duty or remote work, or allowing a leave of absence. In considering whether allowing an unvaccinated employee with an accommodation request to continue to work in a covered business would create a direct threat, Licensees have the discretion to consider mitigation strategies including required regular testing, social distancing, personal protective equipment, or other reasonable measures to reduce the risk of spreading COVID-19. (For more information, please see the City's [guidance on reasonable accommodations](#).)
8. Licensees are encouraged to use their discretion to offer staff a reasonable grace period for employees who intend to get vaccinated to come into compliance.
9. If a patron seeks a reasonable accommodation on the basis of a medical condition, disability, or other civil-rights related reason, Licensees should engage in a cooperative dialogue to see if a reasonable accommodation is possible (such as a patron ordering food for take-out). Licensees do not have to provide a reasonable accommodation if it would cause a direct threat to other customers or employees of the covered business, including through risk of COVID-19 infection. (For more information, please see the City's [guidance on reasonable accommodations](#).)
10. The City's indoor mask mandate remains in effect for all businesses open to the public in the City of Boston.

The Advisory is issued in response to the ongoing public health crisis related to the spread of COVID-19 (coronavirus). Failure to adhere to any of the foregoing will result in disciplinary action including, but not limited to, the suspension of any license issued by the Board.

**Claims of ignorance of the law, the Guidance, or the Advisory are not a defense.**

Please refer to [boston.gov/coronavirus](https://www.boston.gov/coronavirus) for more information on COVID-19. Any questions should be directed to the Board's Executive Secretary, Daniel R. Green, Esq., who can be reached at (617) 635-4170 or [danny.green@boston.gov](mailto:danny.green@boston.gov).

For the Board,

*Daniel R. Green*

Daniel R. Green, Esq.  
Executive Secretary