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Client Alert: The City of Boston, Rhode Island, and Connecticut Issue New Vaccine Policies Impacting Businesses & Employers

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CITY OF BOSTON – “B TOGETHER” VACCINE REQUIREMENTS

On December 20, 2020, the City of Boston introduced its “B Together” policy initiative and Order in response to a rising number of COVID-19 cases. Starting on January 15, 2022, the Order imposes new vaccination requirements on the customers and employees of Boston businesses, requiring both to show proof of vaccination to enter any covered indoor location.

The covered locations include:

- **Indoor dining establishments**, including restaurants, bars and nightclubs;
- **Indoor fitness settings**, including commercial gyms/fitness centers, indoor pools, fitness studios (e.g., dance, yoga, pilates, barre, etc.) and other facilities used for group fitness classes; and
- **Indoor entertainment and event venues**, including movie theatres, performing arts and music venues, museums/galleries, sports arenas/indoor stadiums, bowling alleys, convention centers or commercial event/party venues, and other recreational centers.

The vaccination requirements imposed by the Order will be phased in between January 15 and May 1, with key dates as follows:

- January 15: People age 12+ must show proof of one dose of vaccine;
- February 15: People age 12+ must show proof of full vaccination;
- March 1: Children aged 5-11 must show proof of one dose of vaccine;
- May 1: People age 5+ must show proof of full vaccination.

Importantly, a COVID-19 booster shot is currently not required under the policy. However, the City of Boston notes that this could be modified in the future based on public health data and guidance from the CDC.

Covered businesses and employers are responsible for [posting a notice](#) at the front entrance of the indoor location and for verifying proof of vaccination for all customers and employees. For verification purposes, businesses and employers may accept a CDC vaccination card (or digital image thereof), an image or printout of any official immunization record, or a digital image of such record contained in a City-designated app or other vaccine verification app.

The City will begin enforcement after the Order takes effect in January by sending inspectors to make compliance checks. Businesses who are found not in compliance will receive a warning, may be fined or face other enforcement action for continued noncompliance. Moreover, this new Order has no impact on the [City of Boston's mask mandate](#), which remains in effect.

RHODE ISLAND'S NEW INDOOR "VAX OR MASK" MEASURE

On December 15, 2021, [Rhode Island Governor Dan Mckee announced a temporary measure](#) starting Monday, December 20th, pursuant to which most indoor establishments must require either proof of vaccination *or* masks for patrons and employees to enter.

The measure creates three categories of establishments with specific vaccination and masking requirements as follows:

- 1. Indoor venues (including retail, restaurants, venues of assembly, and entertainment establishments) with a capacity of 250 persons or more**
 - Employees and patrons are required to wear masks regardless of vaccination status.
- 2. Indoor venues (including retail, restaurants, venues of assembly, and entertainment establishments) with a capacity of fewer than 250 persons**
 - Employees and patrons are required to wear masks *or* provide proof of vaccination.
- 3. Office-based businesses, manufacturers and other public or private employers**
 - All persons on premises are required to wear masks *or* provide proof of vaccination.

"Proof of vaccination" requires completion of a two-dose vaccination series (Pfizer, Moderna) or a single-dose vaccination (Johnson & Johnson). The State of Rhode Island has specified that acceptable proof of vaccination includes screenshots or printouts from the State's [vaccine record lookup portal](#), a vaccination card, or a photo of a vaccination card.

However, the measure includes a host of exceptions to the masking requirement. Masking will not be required for individuals who are under two years of age, whose health would be damaged by masking, or who are developmentally unable to comply. Additionally, [the measure lists several situations in which masking is not required](#), for example, when working alone at a job site or office and not expected to interact with others, or when consuming food or drink.

According to the measure, employers may choose to impose greater restrictions on employees and patrons, such as adopting across the board vaccination or indoor masking requirements.

CONNECTICUT LAUNCHING DIGITAL HEALTH CARDS

On Monday, December 20, 2021, [Connecticut Governor Ned Lamont announced the launch of the state's digital health cards](#), allowing Connecticut residents to upload their COVID-19 vaccination card to a mobile device, such as a smartphone.

Notably, the Governor's announcement did not carry with it any new mandates concerning masking or vaccination. While the digital health cards are often termed "vaccine passports," the program is entirely optional and is designed to make it easier for residents to provide proof of vaccination.

Pursuant to an [executive order issued by the Governor](#) in August 2021, individuals who are not fully vaccinated are required to wear masks in all public indoor settings, and masks are required regardless of vaccination status in correctional facilities, transportation facilities, schools, healthcare facilities, and homeless shelters.