



TOWN OF BROOKLINE DEPARTMENT OF PUBLIC HEALTH

11 Pierce Street, Brookline, Massachusetts, 02445
Telephone: (617) 730-2303 Facsimile: (617) 730-2296
Email: pmaloney@brooklinema.gov

Patrick J. Maloney, MPAH, CHO, RS
Acting Commissioner of Public Health
& Human Services

TOWN OF BROOKLINE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

REGULATION REQUIRING COVID-19 VACCINATION FOR ALL INDOOR ENTERTAINMENT, RECREATION, DINING (INCLUDING OUTDOOR SEATING), AND FITNESS SETTINGS IN THE TOWN OF BROOKLINE

This Regulation is adopted by the Brookline Acting Director of Public Health under the Authority of the Board of Health pursuant to M.G.L. c 111 ss 6, 7, 31, 95, 104, 122, 310 CMR 11.05, 105 CMR 300.200, 1945 Mass. Acts ch. 345 as amended, and all other authorizing statutes, hereby enacts and declares as follows:

Whereas, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the Town of Brookline ("Town");

Whereas, as of December 17, 2021, 78.8% of the total Town resident population has received at least one vaccination dose and 68.4% of the total Town population is fully vaccinated;

Whereas, 86.6% of the Town resident population over the age of 12 has received at least one vaccination dose and 75.7% of the population over the age of 12 is fully vaccinated;

Whereas, the positive test rate in the Town has reached 6.7%, up from a low of 0.4% in late June, 2021 and above the Health Department's 5% threshold of concern;

Whereas, as of December 7, the percentage of occupied adult non-surge ICU beds has reached 94.5%, approaching the Commission's 95% threshold of concern;

Whereas, vaccinated individuals are less likely to develop serious symptoms or spread COVID-19 to those near them, particularly in indoor settings where social distancing is not possible, where eating and drinking require the removal of face coverings, and where physical exercise and exertion are taking place;

Whereas, the Director of Public Health for the Town has determined that further temporary measures relative to requiring proof of vaccination for entry into certain indoor settings are necessary to prevent the spread and resurgence of COVID-19 in the Town; and

Whereas, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH REGULATION SHALL BE IN EFFECT FOR THE TOWN OF BROOKLINE, AS FOLLOWS:

- 1) A covered entity shall not permit any patron to enter the premises without displaying proof of vaccination.
- 2) The following patrons are exempted from the vaccination requirements of this Regulation and therefore may enter a covered entity without displaying proof of vaccination, provided such patrons wear a face mask at all times and follow other applicable regulations and requirements.
 - a. Patrons entering for a quick and limited purpose (for example, using the restroom, placing or picking up an order or service, making a delivery, or performing necessary repairs).
 - b. Public Safety, Public Health and Emergency Services personnel.
- 3) Each covered entity shall post a sign at all entrance areas. This includes exterior and interior regulated areas. The posted sign must alert patrons to the vaccination requirement in this Regulation and inform them that patrons entering the covered premises are required to be vaccinated and provide proof of vaccination prior to entry. Required signage will be supplied by the Town's Health Department.
- 4) For the purposes of this Regulation:
 - a. "Covered entity" means any entity that operates one or more covered premises, except that it shall not include:
 - i. Pre-kindergarten through grade 12 public and non-public schools.
 - ii. Childcare programs
 - iii. Senior centers
 - iv. Community centers
 - v. Non-commercial municipal functions
 - vi. Any other site that is otherwise not open to the general public
 - b. "Covered premises" means any location, except a location in residential or office buildings the use of which is limited to residents, owners, or tenants of that building, and colleges or universities that have a vaccination requirement covering staff and students. "Covered premises" include:
 - i. Indoor entertainment and indoor recreational and event venues, including movie and performance theaters, commercial event and party venues, museums and galleries, exhibition halls, performing arts theaters, and other recreational centers.
 - ii. Food service establishments, including interior and exterior seating areas. This Regulation shall not apply to any food establishment offering food or beverage exclusively off premises or to charitable food service such as soup kitchens.
 - iii. All commercial indoor gyms and fitness settings, including, fitness, yoga, pilates, barre and other dance studios, boxing/kickboxing gyms, fitness boot camps, indoor pools, and other facilities used for conducting group fitness.
 - c. "Proof of vaccination" means proof of receipt of a COVID-19 vaccine authorized for emergency use or licensed for use by the U.S. Food and Drug Administration or authorized for emergency use by the World Health Organization as required under the phased implementation of this Regulation. Such proof may be established by:

- i. A CDC COVID-19 Vaccination Card
 - ii. A digital image of a CDC card
 - iii. Any other official immunization record from the jurisdiction, state, or country where the vaccine was administered.
 - iv. A digital or physical photo of such card or record, reflecting the person's name, vaccine brand and date administered.
 - v. A letter, digital image, or report from a health care provider, pharmacy, or vaccination site establishing proof of COVID-19 vaccination.
 - vi. Any vaccination verification smartphone application developed by the Commonwealth of Massachusetts or developed or endorsed by the Town.
- 5) Each instance that a covered entity fails to check an individual's vaccination status shall constitute a separate violation of this Regulation.
- 6) Covered entities shall comply with any guidelines issued by the Health Department to further the purposes of this Order.
- 7) This Regulation shall take effect on the following schedule:
- a. Phase 1: January 15, 2022. All patrons ages 12 and over shall be required to present proof of at least one dose of vaccination in either a one dose or multiple dose series.
 - b. Phase 2: February 22, 2022. All patrons ages 12 and over shall be required to present proof of one dose in a one-dose series or all doses in a multiple dose series.
 - c. Phase 3: March 22, 2022. All patrons ages 5-11 shall be required to present proof of at least one dose of vaccination in either a one dose or a multiple dose series.
 - d. Phase 4: May 1, 2022. All patrons ages 5 to 11 shall be required to present proof of either one dose of a one-dose series or all doses in a multiple dose series.

ENFORCEMENT

All reasonable efforts will be made to obtain voluntary compliance with this Regulation. This Regulation is enforceable by a fine of \$300.00 in the manner provided for non-criminal disposition of violation of the Town of Brookline Regulations, pursuant to MGL c 40 s 21D and Article 10.3 of the Town's General By-laws. The Health Department, Police Department and any other Brookline Public Safety designee is authorized to enforce this Regulation.

BY:

Patrick J., Maloney MPAH CHO, RS
Acting Director of Public Health

Date:

Endorsed by The Advisory Council on Public Health:

Endorsed by The Town of Brookline Select Board:
