

SENATE No. 2626

Senate, January 26, 2022 -- Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4235) (being the text of Senate, No. 2622, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

1 SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to
2 provide for an alteration of purpose for current appropriations and to meet certain requirements
3 of law, the sum set forth in section 2A is hereby appropriated from the General Fund unless
4 specifically designated otherwise in this act, for the several purposes and subject to the
5 conditions specified in this act and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2022. This sum shall be made available until June 30,
7 2022.

8 SECTION 2A.

9 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10 Reserves

11 1599-0080 For a reserve to support the establishment and expansion of 2019 novel
12 coronavirus testing locations, to be determined in consultation with the executive office of health
13 and human services and the department of public health, and the purchase of 2019 novel
14 coronavirus tests; provided, that such testing locations shall include, but not be limited to,

15 community health centers, regional vaccination clinics, urgent care centers and other nonprofit
16 organizations; provided further, that organizations receiving funds from this item for on-site
17 testing shall provide walk-up appointments; provided further, that funds may be expended for
18 staffing at such locations; provided further, that funds shall be expended for 2019 novel
19 coronavirus rapid antigen tests for: (i) elementary and secondary public school districts, charter
20 schools and educational collaboratives approved pursuant to section 4E of chapter 40 of the
21 General Laws for the safe opening and operations of school facilities; (ii) early education and
22 care programs; (iii) congregate care facilities including, but not limited to, nursing facilities; (iv)
23 health care workers including, but not limited to, personal care attendants, home care aides,
24 homemakers and home health aides; (v) early intervention programs certified by the department
25 of public health; and (vi) homeless shelters; provided further, that not less than \$5,000,000 shall
26 be expended for efforts to increase vaccination rates among the population of children ages 5 to
27 11, inclusive; provided further, that not less than \$5,000,000 shall be expended to support
28 expanded infrastructure and staff capacity at community health centers to deliver 2019 novel
29 coronavirus vaccines in communities with low vaccination rates and increased on-site testing;
30 provided further, that such community health centers shall utilize all sources of vaccine delivery
31 staff available to them under the department of public health's rules and regulations including,
32 but not limited to, enrolled medical students; provided further, that the department shall develop,
33 publicly advertise and administer on an ongoing basis a depository of volunteers willing and
34 eligible to administer 2019 novel coronavirus vaccines in community health centers and
35 community-based and faith-based organizations delivering vaccines with limited staffing;
36 provided further, that said funding shall prioritize efforts to maximize a culturally, linguistically
37 and ethnically competent workforce as it relates to vaccine delivery; provided further, that funds

38 shall be made available to the department of public health to provide, in consultation with the
39 Massachusetts cultural council, a grant program for arts organizations, culture creators,
40 influencers and local cultural organizations to promote vaccine awareness, education and
41 adoption in an effort to increase vaccination rates; provided further, that the program shall
42 prioritize grant applicants with demonstrated connections to, understanding of, penetration in and
43 credibility in communities with low vaccination rates and that focus on and represent culturally,
44 linguistically and ethnically diverse communities; provided further, that funds shall be made
45 available for the staffing and administration of the program; provided further, that not later than
46 March 15, 2022, the department shall provide a report to the house and senate committees on
47 ways and means on the status of the grant program including, but not limited to: (a) grant criteria
48 used in evaluating applicants; (b) the number of applications received; (c) the number of
49 successful applicants to date; (d) the communities in which successful applicants are focused;
50 and (e) the grant award amounts to date by applicant; provided further, that not less than
51 \$7,000,000 shall be expended to support technical assistance to local community groups and
52 organizations conducting outreach and education including, but not limited to, holding vaccine
53 clinics related to 2019 novel coronavirus vaccines in communities disproportionately impacted
54 by the 2019 novel coronavirus pandemic; provided further, that said funds shall support
55 culturally, linguistically and ethnically appropriate materials and staff to conduct 2019 novel
56 coronavirus vaccine outreach and education; provided further, that prioritization for such funds
57 shall be given to organizations with experience providing grant-making and capacity-building
58 assistance services to assist community-based and faith-based organizations with 2019 novel
59 coronavirus pandemic mitigation and vaccination program activities in communities
60 disproportionately impacted by the pandemic; provided further, that such outreach and education

61 efforts shall continue for not less than 6 months after funds are received; provided further, that
62 funds may be made available for vaccine incentive programs; provided further, that funds shall
63 be expended to the COVID-19 Vaccine Equity Initiative for efforts to increase the rate of
64 vaccination and booster shots in communities disproportionately impacted by the 2019 novel
65 coronavirus pandemic; provided further, that funds shall be expended to support the
66 implementation of the comprehensive COVID-19 vaccination equity plan established in section
67 24; provided further, that funds may be made available to the Massachusetts Growth Capital
68 Corporation to provide 2019 novel coronavirus rapid antigen tests to small businesses operating
69 in the commonwealth; provided further, that funds may be made available for a multilingual
70 communications outreach plan to disseminate information to communities disproportionately
71 impacted by the 2019 novel coronavirus; provided further, that the outreach plan shall include,
72 but not be limited to: (a) the purpose and public health benefits of frequent rapid antigen testing;
73 (b) where and how to access free 2019 novel coronavirus rapid antigen tests; (c) how to use such
74 tests at home, in school, in the workplace and in other settings; and (d) appropriate steps to take
75 if a test comes back positive; provided further, that funds shall be prioritized for communities
76 disproportionately impacted by the 2019 novel coronavirus pandemic; provided further, that funds
77 shall be distributed in a manner that promotes geographic equity; provided further, that the
78 administration shall pursue the highest allowable rate of federal reimbursement for all eligible
79 expenditures from this item; and provided further, that funds shall be distributed not later than
80 February 28, 2022.....\$50,000,000

81 1599-0767 For a reserve to support the acquisition and distribution of high-quality
82 personal protective masks for: (i) children, staff and faculty in elementary and secondary public
83 school districts, charter schools, approved special education schools and educational

84 collaboratives approved pursuant to section 4E of chapter 40 of the General Laws; (ii) children,
85 staff and faculty in early education and care programs; (iii) personnel and residents in congregate
86 care facilities including, but not limited to, nursing facilities; (iv) health care workers including,
87 but not limited to, personal care attendants, home care aides, homemakers and home health
88 aides; (v) staff in early intervention programs certified by the department of public health; and
89 (vi) homeless shelters; provided, that such masks shall include, but not be limited to, N95 masks
90 and KN95 masks; provided further, that such masks shall be distributed not later than February
91 28, 2022; provided further, that such masks, to the maximum extent practicable, shall be in
92 alignment with the guidance issued under section 25; provided further, that funds shall be
93 prioritized for communities disproportionately impacted by the 2019 novel coronavirus pandemic;
94 provided further, that funds shall be distributed in a manner that promotes geographic equity;
95 provided further, that the administration shall pursue the highest allowable rate of federal
96 reimbursement for all eligible expenditures from this item; provided further, that the executive
97 office for administration and finance, in consultation with the department of elementary and
98 secondary education, the department of early education and care and the executive office of
99 health and human services, shall make available on a public website the: (a) total number of
100 masks purchased, including the total number of each type of mask purchased; (b) total number of
101 masks distributed; (c) school districts, charter schools, approved special education schools and
102 educational collaboratives approved pursuant to said section 4E of said chapter 40 to which they
103 were distributed; (d) early education and care programs to which they were distributed; (e)
104 congregate care facilities to which they were distributed; and (f) number of masks distributed for
105 health care workers, broken down by type of worker; and provided further, that the executive
106 office for administration and finance shall report on said public website: (1) the number of rapid

107 antigen tests purchased after January 1, 2022; (2) the number of tests distributed; and (3) the
108 recipients to which the tests were distributed\$25,000,000

109 1599-0768 For the department of unemployment assistance to maximize the reach of the
110 public information campaign required under section 76 of chapter 102 of the acts of 2021 and
111 promote awareness of the ability to seek a redetermination of a decision pursuant to section 32 in
112 a culturally, linguistically and ethnically diverse manner that includes multi-lingual, plain
113 language communication to each affected claimant in their preferred language, that promotes
114 equity and reaches underserved and underrepresented individuals and that includes detailed
115 information on how to request an appeal; provided, that detailed information on how to request
116 an appeal shall also be posted prominently within the unemployment insurance online and
117 pandemic unemployment assistance portals; provided further, that the department shall pursue
118 the highest allowable rate of federal reimbursement for all eligible expenditures from this
119 item.....\$1,000,000

120 SECTION 3. Section 75 of chapter 260 of the acts of 2020 is hereby amended by striking
121 out the words “January 1” and inserting in place thereof the following words:- July 31.

122 SECTION 4. Section 23 of chapter 20 of the acts of 2021 is hereby amended by striking
123 out the words “December 15, 2021” and inserting in place thereof the following words:- July 15,
124 2022.

125 SECTION 5. Said chapter 20 is hereby further amended by inserting after section 26 the
126 following section:-

127 Section 26A. Section 20 is hereby repealed.

128 SECTION 6. Section 27 of said chapter 20 is hereby amended by striking out the figure
129 “20,”.

130 SECTION 7. Said chapter 20 is hereby further amended by inserting after section 30 the
131 following section:-

132 Section 30A. Section 26A shall take effect on July 15, 2022.

133 SECTION 8. Section 13 of chapter 53 of the acts of 2020 is hereby amended by striking
134 out the words “May 1, 2022”, inserted by section 1 of chapter 20 of the acts of 2021, and
135 inserting in place thereof the following words:- December 15, 2022.

136 SECTION 9. Subsection (b) of section 2 of chapter 118 of the acts of 2020 is hereby
137 amended by striking out the words “May 1, 2022”, inserted by section 10 of said chapter 20, and
138 inserting in place thereof the following words:- December 15, 2022.

139 SECTION 10. Section 19 of chapter 20 of the acts of 2021 is hereby amended by striking
140 out the words 'April 1, 2022' each time it appears, and inserting in place thereof, in each instance,
141 the following words:- December 15, 2022.

142 SECTION 11. Section 89 of chapter 102 of the acts of 2021 is hereby amended by
143 striking out the words “July 31, 2022”, each time they appear, and inserting in place thereof, in
144 each instance, the following words:- December 31, 2022.

145 SECTION 12. (a) As used in this section, the following words shall have the following
146 meanings unless the context clearly requires otherwise:

147 “Principal”, a person who is signing a document under this section as a principal or as a
148 credible witness, as those terms are defined in section 1 of chapter 222 of the General Laws.

149 “Satisfactory evidence of identity”, (i) identification of an individual based on at least 1
150 current document issued by a federal or state government agency bearing the photographic image
151 of the individual’s face and signature; or (ii) identification of an individual based on the notary
152 public’s personal knowledge of the identity of the principal.

153 (b) In order to address the disruptions caused by the outbreak of the 2019 novel
154 coronavirus, also known as COVID-19, and subsequent variants, a notary public appointed
155 pursuant to chapter 222 of the General Laws may perform an acknowledgement, affirmation or
156 other notarial act under said chapter 222 utilizing electronic video conferencing in real time as
157 provided in this section. A principal in any such notarial act may act individually or in a
158 representative capacity.

159 (c)(1) An acknowledgment, affirmation or other notarial act utilizing electronic video
160 conferencing pursuant to this section shall be valid and effective if:

161 (i) the notary public observes each principal’s execution of a document;

162 (ii) both the notary public and each principal are physically located within the
163 commonwealth;

164 (iii) each principal provides the notary public with satisfactory evidence of identity;
165 provided, however, that if the principal is not a United States citizen, a valid passport or other
166 government-issued identification credential that evidences the principal’s nationality or residence
167 and that bears the photographic image of the principal’s face and signature shall constitute
168 satisfactory evidence of identity; provided further, that if the satisfactory evidence of identity is a
169 government-issued identification credential, the principal shall both visually display the
170 principal’s identification credential to the notary public during the electronic video conference

171 and shall transmit to the notary public a copy of the front and back of the identification
172 credential, either with the executed document or separately through electronic means; provided
173 further, that if the principal's identification credential is a United States or foreign passport book,
174 a copy of the front cover and page displaying the principal's photograph, name and signature
175 shall be a sufficient copy; and provided further, that a copy of any such identification credential
176 shall be retained for a period of 10 years by the notary public, who shall keep it secure and
177 confidential in accordance with state and federal law;

178 (iv) each principal makes the acknowledgement, affirmation or other act to the notary
179 public, as appropriate;

180 (v) a principal causes the executed document to be delivered to the notary public by
181 delivery service, courier or other means in accordance with the notary public's instructions; and

182 (vi) with respect to any document requiring notarization and executed in the course of
183 closing a transaction involving a mortgage or other conveyance of title to real estate, upon
184 receipt of the executed document, the notary public and each principal engage in a second video
185 conference during which each principal verifies to the notary public that the document received
186 by the notary public is the same document executed during the first video conference.

187 During any video conference pursuant to this section, each principal shall: (i) swear or
188 affirm under the penalties of perjury that the principal is physically located within the
189 commonwealth; and (ii) make a disclosure of any person present in the room with the principal
190 and make that person viewable to the notary public.

191 (2) Upon completion of the process under paragraph (1), the notary public may affix the
192 notary public's stamp and signature to the executed document, whereupon the notarial act shall
193 be completed.

194 (3) The notarial certificate attached to the executed document shall include a recital
195 indicating that the document was notarized remotely pursuant to this section. The certificate shall
196 recite the county in which the notary public was located at the time that the notarial act was
197 completed and shall recite the date that the notarial act was completed; provided, however, that
198 the failure to include any of the recitals required by this subsection shall not affect the validity or
199 recordability of the document; and provided further, that, with respect to a document being
200 notarized in connection with a mortgage financing transaction, the notarial certificate may recite
201 the date stated within the body of the document, even if that date precedes the date of completion
202 of the notarial act.

203 (4) The notary public shall execute an affidavit confirming under the penalties of perjury
204 that the notary public has: (i) received a copy of each principal's current identification credential
205 and visually inspected the credential during the initial video conference with the principal, if
206 applicable; (ii) obtained each principal's verbal assent to the recording of the electronic video
207 conference; (iii) taken each principal's affirmations as to physical presence of the principal
208 within the commonwealth; and (iv) been informed of and noted on the affidavit any person
209 present in the room, including a statement of the relationship of any person in the room to the
210 principal. The affidavit shall be retained for a period of 10 years by the notary public.

211 (5) With respect to any will, nomination of guardian or conservator, caregiver
212 authorization affidavit, trust, durable power of attorney, health care proxy or authorization under

213 the federal Health Insurance Portability and Accountability Act of 1996, the document shall be
214 complete when all original counterparts and the notary public's affidavit are compiled.

215 (6) Each notary public who performs a notarial act utilizing electronic video conferencing
216 pursuant to this section shall create an audio and video recording of the performance of the
217 notarial act; provided, however, that the audio and video recording shall be retained for a period
218 of 10 years by the notary public.

219 (d) A document executed, acknowledged or notarized pursuant to this section shall be a
220 properly executed, acknowledged and notarized document for all legal purposes in the
221 commonwealth, including, but not limited to, for recording with the registry of deeds of any
222 county, for filing as a valid will and for filing or recording with any other state, local or federal
223 agency, court, department or office.

224 With respect to any such document recorded in a registry of deeds or filed with a registry
225 district of the land court: (i) the affidavit required pursuant to paragraph (4) of subsection (c)
226 shall not be required to be recorded or filed; and (ii) a principal's being subsequently determined
227 to have been physically located outside of the commonwealth during any video conference or a
228 principal's having failed to accurately disclose the presence or identity of others in the room
229 during any video conference, in either case, shall not constitute grounds to set aside the title to
230 real property acquired by an arm's length third-party mortgagee or purchaser for value.

231 The expiration, repeal or amendment of this section shall not affect the validity of a
232 notarial act completed while this section is in effect and performed in accordance with the terms
233 of this section.

234 (e) The signature of any witness who participates in the electronic video conference and
235 whose signature is notarized pursuant to this section shall be valid as if the witness had been
236 present to sign in person. A document signed on multiple pages or in multiple locations within
237 the commonwealth or in multiple counterparts shall be valid and effective if it is otherwise in
238 conformity with this section.

239 (f)(1) Notwithstanding any provision of this section to the contrary, with respect to any
240 document requiring notarization and executed in the course of closing a transaction involving a
241 mortgage or other conveyance of title to real estate or with respect to any will, nomination of
242 guardian or conservator, caregiver authorization affidavit, trust, durable power of attorney, health
243 care proxy or authorization under the federal Health Insurance Portability and Accountability Act
244 of 1996:

245 (i) only a notary public appointed pursuant to chapter 222 of the General Laws who is an
246 attorney licensed to practice law in the commonwealth or a paralegal under the direct supervision
247 of such an attorney, shall perform an acknowledgment, affirmation or other notarial act utilizing
248 electronic video conferencing in real time as provided in this section; and

249 (ii) if the notary public is a paralegal, any copy of a principal's identification credential
250 required to be retained pursuant to paragraph (1) of subsection (c), the affidavit required to be
251 retained pursuant to paragraph (4) of said subsection (c) and the audio and video recording
252 required to be retained pursuant to paragraph (6) of said subsection (c) shall be retained by the
253 notary public's supervising attorney.

254 (2) Notwithstanding any provision of this section to the contrary, with respect to any
255 document requiring notarization and executed in the course of closing a transaction involving a

256 mortgage or other conveyance of title to real estate, if the principal proves their identity by a
257 government-issued identification credential in accordance with said paragraph (1) of said
258 subsection (c) and the principal is not otherwise personally known to the notary public, the
259 principal shall display a secondary form of identification containing the principal’s name to the
260 notary public during the initial video conference, which may contain the principal’s photograph,
261 signature or be issued by a government entity. Acceptable secondary forms of identification shall
262 include, but not be limited to, a credit or debit card, a social security card, a municipal tax bill or
263 a utility bill; provided, however, that any such municipal tax or utility bill is dated within 60 days
264 of the first video conference.

265 (3) Nothing in this section shall affect any law or regulation governing, authorizing or
266 prohibiting the practice of law, including, but not limited to, the requirement that the closing of a
267 transaction involving a mortgage or other conveyance of title to real estate may only be
268 conducted by an attorney duly admitted to practice law in the commonwealth.

269 SECTION 13. (a) As used in this section, the following words shall have the following
270 meanings unless the context clearly requires otherwise:

271 “COVID-19”, the outbreak of the novel coronavirus, also known as COVID-19, and
272 subsequent variants.

273 “COVID-19 rule”, any executive order, order of the commissioner of public health,
274 declaration, directive or other state or federal authorization, policy, statement, guidance, rule-
275 making, regulation or otherwise applicable law that waives, suspends or modifies otherwise
276 applicable state or federal law, regulations or standards regarding either: (i) scope of practice or
277 conditions of licensure, including modifications authorizing health care professionals licensed in

278 another state to practice in the commonwealth; or (ii) the delivery of care, including those
279 regarding the standard of care, the site at which care is delivered or the equipment used to deliver
280 care, during COVID-19.

281 “Damages”, injury or loss of property or personal injury or death, including economic or
282 non-economic losses.

283 “Good faith”, shall, without limitation, include acts or omissions undertaken consistent
284 with the guidelines for crisis standards of care during COVID-19 issued by the department of
285 public health and exclude, without limitation: (i) acts or omissions based on race, ethnicity,
286 national origin, religion, disability, sexual orientation or gender identity; (ii) deceptive acts or
287 practices; and (iii) fraud.

288 “Health care facility”, (i) an acute-care hospital, as defined in section 25B of chapter 111
289 of the General Laws, that provides emergency services in an emergency department and satellite
290 emergency facilities, as defined in section 51½ of said chapter 111; (ii) a hospital operated by the
291 department of public health pursuant to section 62I or 69E of said chapter 111 or chapter 122 of
292 the General Laws; (iii) a community health center, as defined in 130 CMR 405.000; or (iv) a
293 clinic licensed under section 51 of said chapter 111; (v) skilled nursing facilities licensed under
294 section 71 of said chapter 111; (vi) assisted living residences, as defined in section 1 of chapter
295 19D of the General Laws; (vii) rest homes licensed under said section 71 of said chapter 111; or
296 (viii) step down skilled nursing facility sites designated by the commissioner of public health to
297 provide COVID-19 health care services.

298 “Health care professional”, an individual, whether acting as an agent, volunteer,
299 contractor, employee or otherwise, who is: (i) authorized to provide health care services pursuant

300 to licensure or certification by the board of registration in medicine, the board of registration in
301 nursing, the board of respiratory care, the board of registration in pharmacy, the board of
302 registration of physician assistants, the board of allied health professionals, the board of allied
303 mental health and human services professions, the board of registration of social workers or the
304 board of registration of psychologists; (ii) a student or trainee in their approved medical
305 professional services academic training program; (iii) a nursing attendant or certified nursing
306 aide, including an individual who is providing care as part of the individual's approved nursing
307 attendant or certified nurse aide training program; (iv) certified, accredited or approved under
308 chapter 111C of the General Laws to provide emergency medical services; or (v) a health care
309 facility administrator, executive, supervisor, board member, trustee or other person responsible
310 for directing, supervising or managing a health care facility or its personnel.

311 "Health care services", services provided by a health care facility or health care
312 professional, regardless of location, that involve the: (i) treatment, diagnosis, prevention or
313 mitigation of COVID-19; (ii) assessment or care of an individual with a confirmed or suspected
314 case of COVID-19; or (iii) care of any other individual who presents at a health care facility or to
315 a health care professional during COVID-19.

316 (b) Notwithstanding any general or special law to the contrary, except as provided in
317 subsection (c), health care professionals and health care facilities shall be immune from suit and
318 civil liability for any damages alleged to have been sustained by an act or omission by the health
319 care professional or health care facility in the course of providing health care services during
320 COVID-19; provided, however, that: (i) the health care facility or health care professional is
321 arranging for or providing health care services pursuant to a COVID-19 rule and in accordance
322 with otherwise applicable law; (ii) arranging for or providing care or treatment of the individual

323 was impacted by the health care facility's or health care professional's decision or activity in
324 response to treatment conditions resulting from COVID-19 or a COVID-19 rule; and (iii) the
325 health care facility or health care professional is arranging for or providing health care services
326 in good faith.

327 (c) The immunity provided in subsection (b) shall not apply: (i) if the damage was caused
328 by an act or omission constituting gross negligence, recklessness or conduct with an intent to
329 harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual
330 orientation or gender identity by a health care facility or health care professional providing health
331 care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false
332 claims actions brought by or on behalf of the commonwealth.

333 SECTION 14. Section 13 is hereby repealed.

334 SECTION 15. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any
335 other general or special law, charter provision, ordinance or by-law to the contrary, a town may
336 act by vote of its select board or board of selectmen, in consultation and with the approval of the
337 town moderator, to prescribe the number of voters necessary to constitute a quorum at any town
338 meeting held during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and
339 subsequent variants, at a number that is less than the number that would otherwise be required by
340 law, town by-law or town charter; provided, however, that the number of voters necessary to
341 constitute a quorum shall not be less than 10 per cent of the number that would otherwise be
342 required.

343 (b) The select board or board of selectmen shall publish notice of its intention to consider
344 an adjustment of town meeting quorum requirements under this section not less than 7 days

345 before the vote of the select board or board of selectmen. The select board or board of selectmen
346 shall provide for adequate means of public access that will allow interested members of the
347 public to clearly follow the deliberations of the select board or board of selectmen on making a
348 quorum adjustment as those deliberations are occurring.

349 (c) Not less than 10 days after a vote of the select board or board of selectmen to adjust
350 the quorum requirement under this section, the town clerk shall notify the attorney general of the
351 adjusted quorum requirement.

352 (d) All actions taken pursuant to this section are hereby ratified, validated and confirmed
353 to the same extent as if the town meeting had been conducted in accordance with all other
354 applicable laws, charter provisions, ordinances and by-laws.

355 SECTION 16. (a) Notwithstanding any general or special law, charter provision,
356 ordinance or by-law to the contrary, during the outbreak of the 2019 novel coronavirus, also
357 known as COVID-19, and subsequent variants, if the moderator in a town having a
358 representative town meeting form of government determines that it is not possible to safely
359 assemble the town meeting members and interested members of the public in a common location
360 while complying with any applicable state or local orders, directives or guidance concerning
361 public assemblies, the moderator may request that the select board or board of selectmen of the
362 town call for a representative town meeting to be held through remote participation, including,
363 but not limited to, by means of a video or telephone conferencing platform. Such a request by the
364 moderator to the select board or board of selectmen shall be in writing and shall include, but not
365 be limited to: (i) the moderator's determination and request to hold a town meeting through
366 remote participation in accordance with this section; (ii) the video or telephone conferencing

367 platform the moderator has determined to use to hold the town meeting; (iii) confirmation that
368 the moderator has consulted with the local disability commission or coordinator for federal
369 Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A)
370 the moderator has tested the video or telephone conferencing platform; and (B) the platform
371 satisfactorily enables the town meeting to be conducted in substantially the same manner as if the
372 meeting occurred in person at a physical location and in accordance with the operational and
373 functional requirements set forth in this section.

374 A video or telephone conference platform used by a town meeting for remote
375 participation under this section shall, at minimum, provide for the ability for: (i) the moderator,
376 town meeting members, town officials and any other interested members of the public to identify
377 and hear the moderator and each town meeting member who attends and participates in the
378 remotely-held town meeting, as well as any other individuals who participate in the remotely-
379 held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting
380 member, town official or other individual to request recognition by the moderator without prior
381 authorization; provided, however, that to the extent technologically feasible, the request is visible
382 or audible to the public in real time and upon review of the recording of the town meeting
383 proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town
384 meeting member wishes to be recognized to speak, make a motion, raise a point of order or
385 object to a request for unanimous consent; (v) the moderator to recognize a town meeting
386 member, town official or other individual to speak and to enable that person to speak; (vi) the
387 ability to conduct a roll call vote; (vii) any interested members of the public to access the
388 meeting remotely for purposes of witnessing the deliberations and actions taken at the town
389 meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town

390 wishing to participate in a remote town meeting conducted pursuant to this section shall submit a
391 request to participate to the town clerk not less than 48 hours in advance of the town meeting.
392 Upon receipt of the request and verification of the requester’s voter registration status, the clerk
393 shall provide to the requester instructions for participating in the remote town meeting.

394 (b) Not later than 10 business days following receipt of a written request by the
395 moderator for remote participation at a town meeting pursuant to subsection (a), the select board
396 or board of selectmen shall vote to determine if the town meeting shall be held remotely by
397 means of the video or telephone conferencing platform requested by the moderator.

398 (c) If the select board or board of selectmen votes to approve the request of the moderator
399 for remote participation at a town meeting, and the select board or board of selectmen has
400 already issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town
401 meeting to be held not later than July 15, 2022, the select board or board of selectmen shall, at
402 the same meeting of the board, approve and issue, in consultation with the moderator, a notice
403 that expressly states: (i) that the town meeting shall be held remotely by means of the video or
404 telephone conferencing platform requested by the moderator; (ii) the date and time of the
405 meeting; and (iii) any information necessary for the moderator, town meeting members, town
406 officials and interested members of the public to access and witness the deliberations and actions
407 taken at the town meeting remotely.

408 The notice issued by the select board or board of selectmen shall be: (i) accompanied by
409 the written request of the moderator submitted to the select board or board of selectmen under
410 subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of
411 section 10A of said chapter 39; (iii) distributed to each town meeting member; and (iv) publicly

412 posted not less than 10 days before the scheduled date of the remote town meeting. The notice
413 may include a date, time and place for the town meeting to be resumed if the town meeting does
414 not vote to continue the town meeting remotely pursuant to subsection (f).

415 (d) If the select board or board of selectmen votes to approve the request of the moderator
416 for remote participation at a town meeting, and the select board or board of selectmen has not yet
417 issued a warrant for a town meeting, the select board or board of selectmen shall approve and
418 issue a warrant pursuant to said section 10 of said chapter 39 for the town meeting that expressly
419 states: (i) that the town meeting shall be held remotely by means of the video or telephone
420 conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii)
421 any information necessary for the moderator, town meeting members, town officials and
422 interested members of the public to access and witness the deliberations and actions taken at the
423 town meeting remotely.

424 The warrant issued by the select board or board of selectmen shall be: (i) accompanied by
425 the written request of the moderator submitted to the select board or board of selectmen under
426 subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other
427 applicable laws and any relevant provisions of the town charter or by-laws. The warrant may
428 include a date, time and place for the town meeting to be resumed if the town meeting does not
429 vote to continue the town meeting remotely pursuant to subsection (f).

430 (e) Not later than 5 business days after a vote of the select board or board of selectmen to
431 approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c)
432 or (d), the town clerk shall submit certified copies of the vote of the select board or board of
433 selectmen and the written request of the moderator to the attorney general.

434 (f) Prior to taking up any business at a representative town meeting held through remote
435 participation under this section, the town meeting members present and voting at the meeting
436 shall vote on whether to commence business at the town meeting remotely by means of the
437 chosen video or telephone conferencing platform. If the town meeting votes to continue
438 conducting the town meeting remotely, the town meeting shall proceed by remote participation
439 to address the articles included in the warrant. If the town meeting does not vote to continue
440 conducting the town meeting remotely, the town meeting shall be adjourned to the date, time and
441 place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has
442 been specified in the notice or warrant, the town meeting shall immediately be dissolved without
443 taking any votes on any other matters and the select board or board of selectmen may call the
444 town meeting pursuant to a new warrant that provides for the town meeting to be held in person
445 at a physical location in accordance with said section 10 of said chapter 39 and all other
446 applicable laws and provisions of the town charter and by-laws.

447 (g) Any roll call vote taken at a representative town meeting held through remote
448 participation pursuant to this section shall be taken by any means that the moderator determines
449 accurately and securely records the votes of those entitled to vote at the meeting, including, but
450 not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any
451 combination thereof. The vote of each town meeting member on a roll call vote shall be recorded
452 and kept with the minutes of the town meeting.

453 (h) A representative town meeting held remotely pursuant to this section shall be
454 recorded and the recording shall be preserved and made publicly available on the town's website
455 for not less than 90 days after the conclusion of the remote town meeting.

456 (i) All actions taken during a remote town meeting held pursuant to this section are
457 hereby ratified, validated and confirmed to the same extent as if the town meeting had been
458 conducted in person and such actions are in accordance with all other applicable laws, charter
459 provisions, ordinances and by-laws.

460 SECTION 17. Notwithstanding section 28 of chapter 53 of the General Laws or any other
461 general or special law to the contrary, the state primary in 2022 shall be held on Tuesday,
462 September 6, 2022.

463 SECTION 18. Notwithstanding section 3 of chapter 53 of the General Laws or any other
464 general or special law to the contrary, a person whose name is not printed on the September 6,
465 2022 state primary ballot as a candidate for an office, but who receives sufficient votes to
466 nominate the person for the office, shall file in the office of the state secretary a written
467 acceptance of the nomination and a receipt from the state ethics commission verifying that a
468 statement of financial interest has been filed pursuant to chapter 268B of the General Laws not
469 later than 5:00 p.m. on Thursday, September 8, 2022.

470 SECTION 19. Notwithstanding sections 11, 13 and 53A of chapter 53 of the General
471 Laws, section 5 of chapter 55B of the General Laws or any other general or special law to the
472 contrary, objections to and withdrawals from nominations made at the September 6, 2022 state
473 primary shall be filed with the state secretary not later than 12:00 p.m. on Friday, September 9,
474 2022.

475 SECTION 20. Notwithstanding section 14 of chapter 53 of the General Laws or any other
476 general or special law to the contrary, any vacancy from the September 6, 2022 state primary
477 caused by death, withdrawal or ineligibility under section 14 shall be filled by an executive

478 committee, determined by the state party committee of the same political party that made the
479 original nomination.

480 SECTION 21. Notwithstanding section 15 of chapter 53 of the General Laws or any other
481 general or special law to the contrary, when a nomination is made to fill a vacancy caused by the
482 death, withdrawal or ineligibility of a candidate from the September 6, 2022 state primary, the
483 certificate of nomination shall be on a form prescribed by the state secretary, signed by the
484 executive committee appointed by the state committee of the same political party as provided for
485 in section 15 and filed with the state secretary not later than 5:00 p.m. on Monday, September
486 12, 2022.

487 SECTION 22. Notwithstanding section 135 of chapter 54 of the General Laws or any
488 other general or special law to the contrary, a petition for a recount of the September 6, 2022
489 state primary shall be filed with the appropriate local election officials not later than 5:00 p.m. on
490 Friday, September 9, 2022 and all recounts shall be completed and notice of the results shall be
491 sent to the state secretary not later than 5:00 p.m. on Saturday, September 17, 2022.

492 Petitions for district-wide and statewide recounts of the September 6, 2022 state primary
493 shall be submitted to the appropriate local election officials for certification not later than 12:00
494 p.m. on Friday, September 9, 2022 and local election officials shall complete certification not
495 later than 10:00 a.m. on Tuesday, September 13, 2022. Thereafter, certified petitions shall be
496 filed with the state secretary not later than 5:00 p.m. on Tuesday, September 13, 2022. If the state
497 secretary determines that the contest is eligible for a statewide or district-wide recount, the state
498 secretary shall notify the local election officials who shall complete the recount and shall notify

499 the state secretary of the results of the recount not later than 5:00 p.m. on Saturday, September
500 17, 2022.

501 Notwithstanding said section 135 of said chapter 54, a board of registrars shall provide at
502 least 2 days' notice of the date, time and location of the recount to each candidate for the office
503 for which the recount has been petitioned; provided, however, that electronic notice shall be
504 sufficient.

505 SECTION 23. Notwithstanding sections 8 to 10, inclusive, of chapter 55B of the General
506 Laws or any other general or special law to the contrary, the state ballot law commission shall
507 notify candidates of any objections filed to nominations at the September 6, 2022 state primary
508 not later than 5:00 p.m. on Friday, September 9, 2022. Notice of the commission hearings shall
509 be given by telephone and electronic mail. Hearings on objections shall be held on Wednesday,
510 September 14, 2022 and decisions shall be rendered not later than 5:00 p.m. on Monday,
511 September 19, 2022.

512 SECTION 24. Notwithstanding section 7.08 of chapter 156D of the General Laws or any
513 other general or special law to the contrary, as a result of the outbreak of the 2019 novel
514 coronavirus, also known as COVID-19, and subsequent variants, a public corporation, as
515 referenced in said section 7.08 of said chapter 156D and otherwise consistent with the other
516 provisions of said section 7.08 of said chapter 156D, or a corporation as defined in section 2 of
517 chapter 180 of the General Laws, may conduct an annual or special meeting of the shareholders
518 solely by means of remote communication.

519 SECTION 25. Notwithstanding any general or special law or any by-law of the
520 corporation to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known

521 as COVID-19, and subsequent variants, and unless the articles of organization provide otherwise,
522 the board of directors of a corporation defined in section 2 of chapter 180 of the General Laws
523 may: (i) provide notice of a meeting of the board of directors: (A) only to those directors it is
524 practicable to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, as
525 defined in said section 2 of said chapter 180, with notice of cancellation given in any practicable
526 manner; (iii) allow a director or officer to continue to serve during the outbreak of COVID-19
527 and subsequent variants and until the director's or officer's successor is elected, appointed or
528 designated; provided, however, that directors and officers whose term is extended pursuant to
529 this section shall continue to serve until the director's or officer's successor takes office, despite
530 the expiration of a director's or officer's term; (iv) allow a director to participate in a regular or
531 special meeting by, or conduct the meeting through the use of, any means of communication by
532 which all directors participating are able to simultaneously communicate with each other during
533 the meeting; (v) allow members at a meeting of the members to vote in person or by proxy;
534 provided that any member voting by proxy shall be considered present at the meeting for
535 purposes of any quorum requirement; (vi) appoint successors to any of the officers, directors,
536 employees or agents; (vii) relocate the principal office or designate alternative offices; and (viii)
537 allow members to participate in any meeting of members by remote participation, even if not
538 physically present at the meeting. Participation by remote communication at any meeting of the
539 members shall constitute presence at such meeting only if: (i) reasonable measures are
540 implemented to verify that each person deemed present and permitted to vote at the meeting by
541 means of remote communication is a member or proxyholder; (ii) reasonable measures are
542 implemented to provide such members and proxyholders a reasonable opportunity to participate
543 in the meeting and to vote on matters submitted to the members, including an opportunity to read

544 or to hear the proceedings of the meeting substantially concurrently with such proceedings, pose
545 questions and make comments, regardless of whether the members can simultaneously
546 communicate with each other during the meeting; and (iii) if any member or proxyholder votes
547 or takes other action at the meeting by means of remote communication, a record of such vote or
548 other action shall be maintained by the corporation.

549 Directors who participate in a meeting of the board of directors pursuant to this section
550 shall constitute a quorum. In a corporation with members, the corporation shall notify the
551 members, as soon as reasonably practicable, of any action taken by the board of directors
552 pursuant to this section.

553 SECTION 26. Notwithstanding section 7A of chapter 167E of the General Laws, section
554 65C1/2 of chapter 171 of the General Laws or any other general or special law to the contrary,
555 due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent
556 variants, written certification from a counselor with a third-party organization that a mortgagor
557 has received counseling via a synchronous, real-time video conference or by telephone in lieu of
558 counseling in person shall satisfy the requirements of clause (ii) of subsection (b) of said section
559 7A of said chapter 167E or clause (ii) of subsection (b) of said section 65C1/2 of said chapter
560 171; provided, however, that the third-party organization shall have been approved by the
561 executive office of elder affairs for purposes of such counseling.

562 SECTION 27. Notwithstanding any general or special law to the contrary, local election
563 officials shall transmit absentee ballots to voters covered under the federal Uniformed and
564 Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 et seq., whose applications were

565 received not less than 45 days before the November 8, 2022 state election, not later than
566 Saturday, September 24, 2022.

567 SECTION 28. Notwithstanding any general or special law to the contrary, the state
568 secretary may add or change any dates relating to the nominations made at the September 6,
569 2022 state primary that the state secretary considers necessary for the orderly administration of
570 the November 8, 2022 state election by providing notice of the change to the state parties and
571 any affected person, by filing notice with the state secretary's rules and regulations division, by
572 posting on the state secretary's website and by whatever other means the state secretary
573 considers appropriate.

574 SECTION 29. (a) Notwithstanding any general or special law to the contrary, the
575 secretary of health and human services shall prepare and implement a detailed comprehensive
576 COVID-19 vaccination equity plan, including interim goals, benchmarks and timelines, to
577 significantly increase the proportion of adults and children who are fully vaccinated for COVID-
578 19, including booster vaccinations, among communities in the commonwealth that have
579 disproportionately low vaccination rates, which may include, but shall not be limited to,
580 minority, immigrant and low-income communities. The goal of the plan shall be to eliminate
581 disparities in the rates of vaccination within 4 months of the effective date of this section. The
582 plan shall include: (i) mechanisms necessary to directly deliver medically and scientifically
583 accurate, culturally competent and linguistically diverse information about the safety and
584 efficacy of vaccination, including particularly the COVID-19 vaccine, and the pathways to
585 receiving a COVID-19 vaccine; (ii) a complete list of existing or new community-based
586 partnerships for implementation of the plan, including an explanation of the role of local public
587 health departments or boards of health, community-rooted faith-based organizations and locally-

588 based health care providers in implementing the plan; and (iii) a budget for implementation with
589 funding sources identified. The secretary shall provide the plan in writing to the joint committees
590 on ways and means, the committee on COVID-19 and emergency preparedness and management
591 and the committee on public health and make the plan publicly available on the website of the
592 department of public health not later than 30 days after the effective date of this section. The
593 secretary shall report progress towards achieving the equity plan goals by region, by community
594 and statewide not less than every 2 months following the completion of the plan.

595 SECTION 30. Notwithstanding any general or special law to the contrary, the department
596 of public health shall issue and post publicly on its website guidance on mask usage, including
597 scientific information and data from scientific studies about the protection provided by different
598 masks against COVID-19, and subsequent variants thereof, not later than 30 days after the
599 effective date of this section. The department shall review and update this guidance as necessary
600 not less than every 30 days thereafter for the duration of the public health emergency declared by
601 the governor on May 28, 2021.

602 Any supports or resources procured or provided by the commonwealth for the purpose of
603 protecting residents from COVID-19 shall, to the maximum extent practicable, be in alignment
604 with the guidance issued under this section.

605 SECTION 31. Notwithstanding any general or special law to the contrary, the department
606 of public health shall issue and post publicly on its website updated guidance related to testing,
607 quarantining and isolation periods related to COVID-19 and subsequent variants thereof. The
608 department shall review and update this guidance as necessary not less than every 30 days
609 thereafter for the duration of the public health emergency declared by the governor on May 28,

610 2021. The department shall undertake efforts to assist compliance by residents with guidance
611 issued under this section, including but not limited to, the bulk procurement and distribution of
612 COVID-19 testing materials and kits.

613 SECTION 32. (a) Notwithstanding section 71 of chapter 151A of the General Laws, the
614 department of unemployment assistance may reconsider a determination or redetermination that
615 resulted in an overpayment issued on or after March 10, 2020 after 1 year from the date of the
616 original determination.

617 (b) Not later than March 1, 2022, the department of unemployment assistance shall
618 report a detailed accounting of all estimates for the number of individuals and cost of
619 overpayments that occurred in calendar years 2020 and 2021 as result of benefits dispersed under
620 said chapter 151A and federal programs including, but not limited to, Pandemic Unemployment
621 Assistance, Federal Pandemic Emergency Unemployment Compensation, federal Extended
622 Benefits, Federal Pandemic Unemployment Compensation and Mixed Earner Unemployment
623 Compensation. The report shall include: (i) the number of individuals in overpayment, by
624 program; (ii) the number of waiver requests filed, including the number of waiver requests
625 granted or denied and including reasons for denials and approvals; (iii) the number of appeals
626 pending from overpayment denials and qualification determinations; (iv) the dollar amount of
627 overpayment in each program; (v) the estimate of expected recovery for each of the programs;
628 (vi) an estimate of the cost for the department to adjudicate waivers and appeals as a result of
629 denied waivers; (vii) the estimated cost for taking action to recover such amounts; (viii) the
630 median and average income of all individuals subject to overpayment and a stratification of
631 individuals in income brackets; (ix) demographic information about such individuals; (x) the
632 number of individuals who have already repaid overpayments; (xi) the amount of money

633 collected from recovery efforts for each program; and (xii) an estimate of the tax rate for the
634 2023 tax year for employers should recovery of overpayments not occur. The report shall be filed
635 with the clerks of the house of representatives and the senate, the house and senate committees
636 on ways and means and the joint committee on labor and workforce development.

637 SECTION 33. Section 32 is hereby repealed.

638 SECTION 34. The special legislative commission established by section 106 of chapter
639 227 of the acts of 2020, as amended by section 93 of chapter 24 of the acts of 2021, is hereby
640 revived and continued to March 1, 2022. The special commission shall file its report pursuant to
641 said section 106 of said chapter 227 with the clerks of the house of representatives and the
642 senate, the house and senate committees on ways and means, the joint committee on education
643 and the joint committee on economic development not later than March 1, 2022.

644 SECTION 35. The public information campaign required under item 1599-0768 of
645 section 2A shall begin not more than 5 days after the effective date of this act.

646 SECTION 36. If sections 15 and 16 are not in effect at least 15 days prior to the date of a
647 scheduled representative town meeting to be held during the outbreak of COVID-19, any action
648 of a town moderator, select board or town meeting that is substantially consistent with the
649 requirements of said section 15 or said section 16 shall be ratified, validated and confirmed in all
650 respects as if this act had been in effect prior thereto.

651 SECTION 37. Section 3 shall take effect as of December 31, 2021.

652 SECTION 38. Section 12 shall take effect as of December 15, 2021; provided, however,
653 that any affirmation, acknowledgment or other notarial that occurred virtually on or after

654 December 15, 2021 and until the effective date of this act shall be deemed valid if each
655 requirement of chapter 71 of the acts of 2020 was satisfied at the time of the affirmation,
656 acknowledgement or other notarial act. SECTION 39. Sections 12, 15, 16, 24, 25 and 26
657 are hereby repealed. SECTION 40. Section 14 shall take effect on February 28, 2022.

658 SECTION 41. Sections 24 and 25 shall take effect as of December 15, 2021; provided,
659 however, that any actions taken at meetings of shareholders and boards of directors on or after
660 December 15, 2021 and until the effective date of this act shall be deemed valid if the meetings
661 of shareholders and boards of directors are consistent with said sections 24 and 25.

662 SECTION 42. Section 33 shall take effect 90 days after the rescission of the public health
663 emergency declared by the governor on May 28, 2021 or August 1, 2022, whichever occurs first.

664 SECTION 43. Section 39 shall take effect on July 15, 2022.