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Dear HR Knowledge: We are a retailer in Massachusetts and do not fully understand what holidays have what exemptions under the “Blue Laws.” Can you clarify?

Governor Charlie Baker's establishment of Juneteenth Independence Day as a new Massachusetts state holiday has raised many questions for employers about the state's Blue Laws, which regulate work requirements on Sundays and holidays. While the concept of “Blue Laws” may seem like a peculiarity of the past, they remain in effect in many U.S. states, including Massachusetts. So, what exactly does that mean for Massachusetts employers?

Essentially, the Blue Laws define which businesses may legally operate on Sundays and legal holidays, and what conditions they are required to follow. Businesses (including many retailers, food establishments, hotels, and pharmacies) that fall under one of [55 exemptions](#) are allowed to operate on Sundays and on most legal holidays, as long as certain conditions are met.

Holidays

In Massachusetts, certain holidays are subject to laws which restrict the type of work that may be performed as well as the kind of business and commercial activities that may remain open. You can find the Massachusetts Holidays and explanations of restrictions [here](#). The [Blue Laws](#) also create different obligations on retailers (businesses that sell directly to consumers) and certain other businesses such as manufacturers, etc. for different holidays:

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Unrestricted holidays – work may be performed without a permit, and premium pay and voluntariness of employment requirements **do not** apply (with the exception of alcohol sales):

- Martin Luther King Day
- Presidents' Day
- Evacuation Day
- Patriots' Day
- Bunker Hill Day

Partially restricted holidays – work may be performed without a permit, but the premium pay and voluntariness of employment requirements do apply. Those holidays denoted with an asterisk mean that premium pay is required if a retailer establishment employs more than seven workers including the owner:

- New Year's Day
- Memorial Day*
- Juneteenth Independence Day*
- Independence Day*
- Labor Day*
- Columbus Day after 12:00 noon
- Veterans' Day after 1:00 pm

Restricted holidays – work may be performed only if the Massachusetts Department of Labor Standards (DLS) and the local police department have issued appropriate permits. DLS generally issues such permits, which apply to all retail employers, on a statewide basis. On these days, the premium pay and voluntariness of employment requirements apply to all employers. The asterisk denotes that regardless of whether a permit is granted, premium pay and voluntariness of employment requirements apply to work performed prior to 12:00 noon, and 1:00 pm, respectively.

- Columbus Day before 12:00 noon*
- Veterans' Day before 1:00 pm*
- Thanksgiving Day
- Christmas Day

To summarize — because we understand this has been somewhat complicated for employers — generally, most types of non-retail businesses (those businesses that sell to business customers, not directly to consumers) may operate on the following legal holidays in Massachusetts without a permit or restrictions:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Evacuation Day
- Patriots' Day
- Bunker Hill Day

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- Juneteenth Independence Day
- Columbus Day after 12:00 noon
- Veterans' Day after 1:00 pm

Most non-retail businesses cannot operate on any other legal holidays, unless they fall within one of the Massachusetts exemptions.

As a reminder, Juneteenth was recently added to the list of "partially restricted" holidays. Non-retail employers may choose to be open on this holiday, but retailers subject to the retail exemption of the Blue Laws should revisit their policies should they decide to be open and ensure they are complying with premium pay requirements.

Sundays

In addition, Massachusetts has a collection of Blue Laws that have established a general rule that most employers may not open on Sundays and certain holidays (those on the restricted list cannot be open without a permit).

Retail Establishments - Retailers may open at any time on Sunday without any special approval or a local police permit, However, the sale of alcoholic beverages on Sundays is subject to certain restrictions. Retail establishments that operate on Sundays are subject to the following two restrictions:

- Most retailers **cannot** require workers to work on Sunday, and they are prohibited from retaliating against a worker for refusing to work on a Sunday.
- Retailers that employ more than seven workers, including the owner, are required to pay employees a premium rate of pay. This premium pay requirement is actually in the process of being phased out. Currently, premium pay is 1.3x the employee's normal rate of pay. On January 1, 2021, it will decrease to 1.2x normal pay, then to 1.1x on January 1, 2022. As of January 1, 2023, premium pay will be eliminated altogether.

Non-retail Establishments - Non-retailers are generally prohibited from operating on Sundays, unless they fall under one of the [55 exemptions](#) outlined by the state. However, any business may request a permit to operate on Sundays from the local police chief of the town or city where their business is located. For non-retail employers, there are no rules regarding requiring employees to work or offering premium pay, but work can only be performed on Restricted Holidays with a local police permit.

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