

One Minute Memo®



Warehouses and Delivery Centers in Massachusetts May Operate on Sundays and Holidays Following an Amendment to the Commonwealth's Blue Laws

By Patrick Bannon and Kelsey Montgomery

Seyfarth Synopsis: Recently, Massachusetts Governor Charlie Baker signed a law amending the Commonwealth's "blue laws." The blue laws prohibit business activities on Sundays and holidays, unless the activity fits within a specific statutory exception. The amended law expands an existing exception that allows the transport of goods in commerce on Sundays and holidays to permit the delivery of goods and operation of warehouses and delivery centers as well.

The Massachusetts "blue laws" prohibit most business activities on Sundays and certain holidays--unless the activity fits within one of 55 specific exceptions. One exception allows for the transport of goods in commerce by motor truck or trailer. A second exception applies to certain retail establishments, but requires these establishments (if they employ more than seven employees) to pay their employees premium pay, equal to time-and-a-half the employee's normal rate of pay, for any hours worked on Sundays and holidays.

Recently, Massachusetts Governor Charlie Baker signed a law that expands the "transport of goods" exception. The expanded exception now permits the transport or delivery of goods, not only by truck but by any means. It also explicitly allows the operation of warehouses involved in the transport or delivery of goods and any other activities directly or indirectly related to loading or unloading goods. Bottom line: warehouses and delivery centers in Massachusetts may now be open on Sundays and holidays.

The expanded exception may particularly help online retailers. Ironically, the genesis of the blue law amendment was reportedly a lobbying effort by traditional retailers to require online retailers to pay their employees premium pay for Sunday and holiday work. But online retailers seem to have won the legislative battle: the law that was ultimately enacted makes it easier for them to comply with Massachusetts blue laws without paying time and a half.

If you have any questions, please contact your Seyfarth attorney, [Patrick Bannon](#) at pbannon@seyfarth.com or [Kelsey Montgomery](#) at kmontgomery@seyfarth.com.

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