The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-05-02

DELEGATING AUTHORITY TO LOCAL HEALTH OFFICIALS TO CONTROL AND CLOSE UNSAFE FACILITIES

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, To reduce the spread of COVID-19, based on currently known and available scientific evidence and best practices, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend avoiding large gatherings and practicing social distancing in smaller gatherings;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets; and

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions. As used herein:

a. "Authorized Health Official" means (i) with respect to a county in Maryland, the health officer for that county; and (ii) with respect to Baltimore City, the Commissioner of Health for Baltimore City.

b. "Social Distancing Guidance" means all applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention or the Maryland Department of Health.

II. Delegation of Authority to County Health Officers. If an Authorized Health Official determines that a business, organization, establishment, facility, or construction site in his/her political subdivision (an "Unsafe Facility") is unable or unwilling to operate in a manner that does not pose an unreasonable risk of exacerbating the spread of COVID-19 (including, without limitation, as a result of non-compliance with Social Distancing Guidance), the Authorized Health Official is hereby authorized and directed to issue such orders as may be necessary to:

a. require the Unsafe Facility to modify its operations to comply with Social Distancing Guidance; or

b. designate all or part of the Unsafe Facility as a zone in which the occupancy and use of buildings may be controlled, and prohibit or limit the movement of individuals and/or vehicles into, in, or from the Unsafe Facility, including without limitation, by closing the Unsafe Facility.

III. Effect on Stay-at-Home Order. Orders issued by an Authorized Health Official pursuant to paragraph II above shall be binding upon and enforceable against the Unsafe Facility, even if the Unsafe Facility would otherwise be permitted to remain open (to any degree) under the Order of the Governor of the State of Maryland Number 20-03-30-01, dated March 30, 2020, entitled "Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay Home", as it may be amended or restated from time to time.

IV. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order, and any order issued by a county health officer pursuant to

paragraph II above.

b. A person who knowingly and willfully violates this Order, or any order issued by a county health officer pursuant to paragraph II above, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

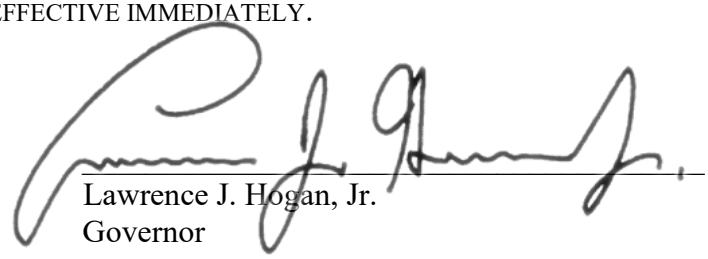
c. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 5TH DAY OF APRIL, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor