The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-05-29-01

AMENDING AND RESTATING ORDER NO. 20-03-19-02, ENABLING ALTERNATIVE ALCOHOL SERVICES

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within Maryland, 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 that has occurred throughout Maryland;

WHEREAS, It is necessary and reasonable to prevent COVID-19, and save lives, for individuals to refrain from congregating and for certain facilities to be closed;

WHEREAS, It is necessary to control COVID-19 in Maryland, and to protect life, to control the occupancy and use of buildings, and places of assembly;

WHEREAS, An emergency order was issued on May 27, 2020, prohibiting large gatherings and events and closing the indoor seating of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland;

WHEREAS, The sale of food or beverages to be consumed inside the establishment is now generally prohibited in Maryland;

WHEREAS, Licenses held by alcohol manufacturing businesses may limit or not permit them to sell and deliver their products directly to consumers for off-premises consumption;

WHEREAS, Alcohol consumption is often a component of social, community, recreational, leisure, and sporting gatherings and events;

WHEREAS, Delivering alcohol to customers' homes, permitting alcohol to be taken from the premises where sold, and requiring consumption to occur outdoors with strict limitations encourages gatherings in smaller and less confined settings, furthering the goal of social distancing and promoting compliance with guidance from the U.S. Centers for Disease Control and Prevention ("CDC") and the Maryland Department of Health ("MDH"); and

WHEREAS, To protect the public health, welfare, and safety, it is necessary to suspend the effect of certain statutes, rules, or regulations of agencies of the State or political subdivisions relating to alcohol delivery and sales;

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. The Order of the Governor of the State of Maryland number 20-03-19-02, dated March 19, 2020, entitled "Expanding Alcohol Beverage Delivery and Carryout Services" is amended and restated in its entirety as set forth herein.

II. Restaurants, bars, State-licensed manufacturers of alcohol, and other entities holding a State or local license to manufacture or sell alcoholic beverages ("Alcoholic Beverage Retailers") may deliver off-premises, or sell if promptly taken from the premises before consumption, alcoholic beverages in sealed containers to consumers, subject to:

a. any social-distancing recommendations of MDH;

b. all other applicable legal requirements, including in regards to sales limitations, recordkeeping, and verification of the age of recipients;

c. with respect to Alcoholic Beverage Retailers holding a State license, any conditions imposed on such activities by the Comptroller of Maryland (the "Comptroller"); and

d. with respect to Alcoholic Beverage Retailers holding a local license, any conditions imposed on such activities by the local licensing board (as defined in Section 1-101 of the Alcoholic Beverages Article of the Maryland Code).

III. State-licensed manufacturers of alcohol may:

a. to the extent permitted by applicable law and subject to any conditions imposed on such activities by the Comptroller, serve alcoholic beverages to consumers for consumption in outdoor seating areas, provided that:

i. all staff wear face coverings in accordance with Order of the

Governor of the State of Maryland No. 20-04-15-01, "Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures," dated April 15, 2020, as it may be amended from time to time;

ii. patrons are seated at least 6 feet away from each other, except for households seated together;

iii. groups larger than six persons are not seated together, except members of the same household; and

iv. tables are cleaned and disinfected between each seating in accordance with guidance published by CDC and MDH and with cleaning products that meet the criteria of the U.S. Environmental Protection Agency for use against COVID-19; and

b. directly ship alcohol to consumers upon request, provided that the Comptroller has given authorization after determining that:

i. the shipment can be completed safely using a common carrier in accordance with other applicable law; and

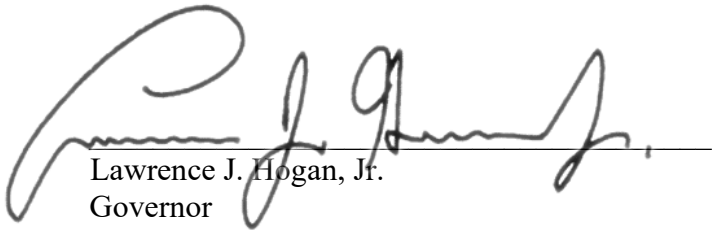
ii. all applicable sales and excise taxes are paid.

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

V. 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.

VI. 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 29TH DAY OF MAY, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor