The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 21-03-09-01

AMENDING AND RESTATING THE ORDER OF FEBRUARY 23, 2021, REGULATING CERTAIN BUSINESSES AND FACILITIES AND GENERALLY REQUIRING USE OF FACE COVERINGS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, April 10, May 6, June 3, July 1, July 31, August 10, September 8, October 6, October 29, November 25, December 23, 2020, January 21, and February 19, 2021, 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, the U.S. Centers for Disease Control and Prevention ("CDC") and the Maryland Department of Health ("MDH") recommend social distancing in gatherings;

WHEREAS, the currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

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;

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;

WHEREAS, the Coronavirus Recovery Team continues to advise on related public health and emergency management decisions;

WHEREAS, the State has implemented measures to reduce community transmission rates of COVID-19;

WHEREAS, he State is continuously expanding COVID-19 laboratory testing capacity and locations throughout Maryland, and has increased its disease-investigation capabilities by implementing operations to trace the contacts of up to 1,000 new cases per day;

WHEREAS, the State has carefully monitored hospital capacity, and has worked with hospitals to ensure their surge capacity can accommodate Marylanders who may become ill;

WHEREAS, the State is procuring necessary protective equipment to safeguard critical facilities and staff; and

WHEREAS, the Coronavirus Recovery Team has advised that widespread use of Face Coverings is likely to help control the spread of COVID-19;

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. Administrative Provisions.

a. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled "Prohibiting Large Gatherings and Events and Closing Senior Centers," as amended and restated on March 16, 2020, and further amended and restated on March 19, 2020 by Order Number 20-03-19-01, and further amended and restated on March 23, 2020 by Order Number 20-03-23-01, and further amended and restated on March 30, 2020 by Order Number 20-03-30-01, and further amended and restated on May 6, 2020 by Order Number 20-05-06-01, and further amended and restated on May 13, 2020 by Order Number 20-05-13-01, and further amended and restated on May 27, 2020 by Order Number 20-05-27-01, further amended and restated on June 3, 2020 by Order Number 20-06-03-01, further amended and restated on June 10, 2020 by Order Number 20-06-10-01, further amended and restated on July 29, 2020 by Order Number 20-07-29-01, further amended and restated on August 3, 2020 by Order Number 20-08-03-01, further amended and restated on September 1, 2020 by Order Number 20-09-01-01, and further amended and restated on September 18, 2020 by Order Number 20-09-18-01, further amended and restated on September 28, 2020 by Order Number 20-09-28-01, further amended and restated on October 16, 2020 by Order Number 20-10-16-01, and further amended and restated on November 10, 2020 by Order Number 20-11-10-01, and further amended and restated on November 17, 2020 by Order Number 20-11-17-01, and further amended and restated on January 28,

2021 by Order Number 21-01-28-01, and further amended and restated on February 23, 2021 by Order Number 21-02-23-01, is further amended and restated in its entirety as set forth herein.

b. The Secretary of Health is hereby authorized to issue directives under this Order ("Secretary's Directives"), as the Secretary of Health deems necessary to monitor, treat, prevent, reduce the spread of, and suppress COVID-19:

   i. in relation to any activity occurring, or any business, organization, establishment, or facility operating in Maryland, which directives may consist of binding requirements and/or non-binding recommendations, and may include, without limitation, requirements pertaining to physical distancing, cleaning, disinfection, COVID-19 symptom screening, restrooms and other shared facilities, concessions, and/or ingress, egress, and movement of persons; and/or

   ii. requiring individuals to remain indoors or to refrain from congregating, as necessary and reasonable to save lives or prevent exposure to COVID-19.

c. Intentionally reserved.

d. Subject to paragraph I.e below, if a political subdivision determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19, the political subdivision is hereby authorized to issue orders that are more restrictive than this Order ("Local Orders"):

   i. requiring any businesses, organizations, establishments, or facilities (except schools) to close or modify their operations; and/or

   ii. requiring individuals to remain indoors or to refrain from congregating.

e. Paragraph I.d above shall cease to be effective at 5:00 p.m. on March 12, 2021, at which time all Local Orders issued pursuant to paragraph I.d above shall become null and void.

II. Definitions. As used herein, the following terms have the following meaning:

a. "Bars and Restaurants" means restaurants, bars, nightclubs, and other similar establishments that sell and/or serve food or beverages for consumption on-premises in Maryland.

b. "Convention and Banquet Facilities" means convention facilities, conference facilities, banquet and catering facilities, community halls, and Social Clubs, including without limitation, hotel ballrooms.

c. "Face Covering" means a covering that fully covers a person's nose and mouth and is secured to the person's head, including without limitation, scarves, bandanas, and plastic full-face shields.

d. “Facility” means any Religious Facility, Retail Establishment, Foodservice Establishment, Fitness Center, Gaming Facility, Racing Facility, Indoor Recreation Establishment, Personal Services Establishment, Indoor Venue, or Outdoor Venue.

e. “Fitness Center” means a fitness center, health club, health spa, gym, aquatic center, or self-defense school in Maryland.

f. “Foodservice Establishment” means, interchangeably and collectively, (a) Bars and Restaurants; and (b) Convention and Banquet Facilities at which food or drink is served.

g. “Gaming Facility” means each of (i) MGM National Harbor; (ii) Live! Casino & Hotel; (iii) Horseshoe Casino Baltimore; (iv) Hollywood Casino Perryville; (v) Ocean Downs Casino; (vi) Rocky Gap Casino Resort; and (vii) all simulcast betting facilities in Maryland, to the extent not otherwise included in the preceding clauses (i)-(vi).

h. “Indoor Area” has the meaning provided in COMAR 10.19.04.02.B(9).

i. “Indoor Recreation Establishment” means the following in Maryland: (i) bingo halls; (ii) bowling alleys; (iii) pool halls; (iv) roller and ice skating rinks; (v) Social Clubs; or (vi) Indoor Areas of any other establishments that are subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

j. “Indoor Venue” means any indoor venue in Maryland at which live performances occur, motion pictures are shown, or sporting events occur (including, without limitation, major league, professional, minor league, semi-professional, amateur, recreational, motor sports, and collegiate sporting events).

k. “Maximum Occupancy” means (i) the maximum occupancy load of a Facility under the applicable fire code, as set forth on a certificate issued for the Facility by a local fire code official; or (ii) if no such certificate has been issued for the Facility by the local fire code official, the maximum occupancy of the Facility pursuant to applicable laws, regulations, and permits.

l. “Outdoor Venue” means any outdoor venue in Maryland at which (i) live performances occur, motion pictures are shown, or sporting events occur (including, without limitation, major league, professional, minor league, semi-professional, amateur, recreational, motor sports, and collegiate sporting events), and (ii) entry is limited to ticketed customers; *provided, however*, that the term “Outdoor Venue” does not include golf courses and driving ranges, outdoor archery and shooting ranges, marinas and watercraft rental businesses, campgrounds, horse boarding and riding facilities, drive-in movie theaters, outdoor swimming pools, outdoor day camps, amusement parks, tour boats, miniature golf establishments, and go-kart tracks.

m. "Personal Services Establishment" means the following in Maryland: (i) beauty salons; (ii) barber shops; (iii) tattoo parlors; (iv) tanning salons; (v) massage parlors; or (vi) establishments that provide esthetic services or nail technician services (as described in Title 5 of the Business Occupations Article of the Maryland Code).

n. "Public Transportation" means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, transit services provided by any other unit of the State or any political subdivision, and all related stations and platforms. Examples of Public Transportation include, but are not limited to MTA bus service, MARC train service, Light Rail train service, MTA Metro subway service, and Mobility and Paratransit services.

o. "Racing Facility" means each of (i) Laurel Park; (ii) Pimlico Race Course; (iii) Timonium Race Course; (iv) Fair Hill Races; (v) Rosecroft Raceway; (vi) Ocean Downs.

p. "Religious Facility" means a church, synagogue, mosque, temple, or other similar religious facility of any faith in Maryland.

q. "Retail Establishment" means a retail business, establishment, organization, or facility in Maryland.

r. "School" means a public or private elementary or secondary school.

s. "School Bus" means a conveyance used to transport students to or from a School.

t. "Social Club" means any social and fraternal club in Maryland (including without limitation, American Legion posts, VFW posts, and Elks Clubs).

III. Occupancy and Operating Requirements.

a. *Occupancy Limits Lifted*.

i. Until 5:00 p.m. on March 12, 2021, the total number of persons permitted in each of the following Facilities at any one time shall not exceed 50% of that Facility's Maximum Occupancy:

1. Religious Facilities;
2. Retail Establishments;
3. Personal Services Establishments;
4. Indoor Recreation Establishments;
5. Bars and Restaurants;
6. Fitness Centers;
7. Gaming Facilities; and
8. Racing Facilities.

ii. Paragraph III.a.i shall cease to be effective at 5:00 p.m. on March 12, 2021.

b. *50% Occupancy Limit*. The total number of persons permitted in each of the following Facilities at any one time shall not exceed 50% of that Facility's Maximum Occupancy:

i. Convention and Banquet Facilities;
ii. Indoor Venues; and
iii. Outdoor Venues.

c. *Senior Centers*. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed.

d. *Certain Operating Requirements*.

i. Foodservice Establishments shall not serve customers who are not seated.

ii. All persons in Maryland shall comply with:

1. applicable Secretary's Directives; and

2. orders issued by the health officer for the county in which the business, organization, establishment, or facility is located (or, in the case of a business, organization, establishment, or facility located in Baltimore City, the Commissioner of Health for Baltimore City) pursuant to the Order of the Governor of the State of Maryland Number 20-04-05-02, dated April 5, 2020, entitled "Delegating Authority to Local Officials to Control and Close Unsafe Facilities", as it may be amended from time to time.

IV. Face Coverings.

a. *Requirement to Wear Face Coverings*.

i. Except as provided in paragraph IV.b, all persons in Maryland over the age of five (5) years old are required to wear a Face Covering when they are:

1. in or on any Public Transportation or School Bus;

2. indoors at any location where members of the public are generally permitted, including without limitation, Religious Facilities, Retail Establishments, Foodservice Establishments, Fitness Centers, Gaming Facilities, the Indoor Areas of Racing Facilities, Indoor Recreation Establishments, Personal Services Establishments, and Indoor Venues;

3. at any Outdoor Venue;

4. outdoors at any location other than an Outdoor Venue, and are unable to consistently maintain at least six feet of distance from individuals who are not members of their household;

5. obtaining healthcare services, including without limitation, in offices of physicians and dentists, hospitals, pharmacies, and laboratories;

6. engaged in work in any area where:

   a. interaction with others is likely, including without limitation, in shared areas of commercial offices; or
   b. food is prepared or packaged; and

7. indoors in any portion of a School where interaction with others is likely, including without limitation, classrooms, hallways, cafeterias, auditoriums, and gymnasiums.

ii. Single-use Face Coverings shall be properly discarded in trash receptacles. It is recommended that all reusable Face Coverings be cleaned frequently (at least once per day).

b. *Exceptions*. Paragraph IV.a.i does not require persons to wear Face Coverings:

i. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;

ii. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;

iii. if wearing a Face Covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;

iv. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head, including without limitation, dental care, shaving, and facial treatments;

v. while consuming food or beverages;

vi. while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk;

vii. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders; or

viii. to the extent it is necessary to observe the person's entire face to verify such person's identity for bona fide security purposes.

V. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute

and enforce this Order and any Local Order.

b. A person who knowingly and willfully violates this Order or any Local Order 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.

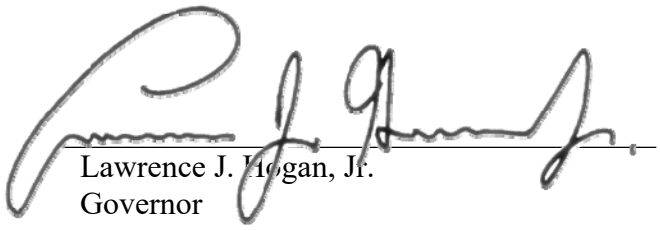
c. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

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 to the extent of the inconsistency.

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 9TH DAY OF MARCH, 2021, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor