The State of Maryland

Executive Department

# ORDER
## OF THE
## GOVERNOR OF THE STATE OF MARYLAND

## No. 20-03-25-01
## AMENDING AND RESTATING THE ORDER OF MARCH 13, 2020, CONTROLLING CHILD CARE ACCESS

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 continue to exist;

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 in several Maryland counties;

WHEREAS, The State ensures safe conditions and proper protection of children in child care centers, and helps prevent the spread of disease;

WHEREAS, Providers of health care, emergency medical services, law enforcement, and other essential services may be in need of child care services for their school-age children when schools are closed;

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 children and child care providers in the state refrain from congregating, except in limited circumstances to provide child care to persons supporting health care, emergency medical, law enforcement, and other essential services;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations regarding child care;

WHEREAS, It is further necessary to control the occupancy and use of buildings and premises, and authorize the use of private property, to generally prevent children and child care providers from congregating, but also establish

limited child care and other temporary accommodations for children of persons supporting essential services; and

WHEREAS, The Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

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, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 13, 2020, entitled "Expanding Child Care Access," is amended and restated in its entirety as set forth herein.

II. Definitions.

a. "Child care center," "family child care home," and "large family child care home" have the meanings stated in § 9.5-101 of the Education Article of the Maryland Code.

b. "Essential persons" means:

i. Providers of health, long-term, or acute inpatient care, emergency medical, or pharmacy services;

ii. Public health employees;

iii. Law enforcement personnel;

iv. Correctional services employees;

v. Firefighters and other first responders;

vi. Government employees required to work during the state of emergency or catastrophic health emergency;

vii. Employees and representatives of insurance carriers, and those authorized by the Maryland Insurance Agency to engage in the business of insurance;

viii. National Guard personnel called to active duty;

ix. Staff and providers of child care or education services, including custodial staff and food service providers;

x. Food distributors and suppliers, including food and supply services or distribution personnel;

xi. Transportation and delivery services personnel;

xii. Gasoline service station operators and automobile repair mechanics;

xiii. Critical infrastructure employees, including emergency support personnel for gas and electric utility operations, public works, water treatment, and waste management;

xiv. Personnel of other institutions ordered to remain open during the declared state of emergency and catastrophic health emergency; and

xv. Such other persons as the State Superintendent of Schools (the "State Superintendent") may designate in one or more orders as Essential Persons.

III. Except as provided herein, and as deemed necessary to protect the health, welfare, or safety of children and child care providers, the State Superintendent, in consultation with the Secretary of Health and the Director of the Maryland Emergency Management Agency ("MEMA"), may require child care centers, family child care homes, and large family child care homes, in any location or venue, to be closed.

IV. Child Care for Essential Persons.

a. To the extent necessary to make sufficient child care available to essential persons, the State Superintendent, in consultation with the Secretary of Health and Director for MEMA, may, upon a finding that it will not endanger the public health, welfare, or safety:

i. Establish locations where child care may be provided;

ii. Suspend the effect of any or all of the provisions within the following regulation subtitles:

1. COMAR 13A.15 (Family Child Care);
2. COMAR 13A.16 (Child Care Centers);
3. COMAR 13A.17 (Letters of Compliance); and
4. COMAR 13A.18 (Large Family Child Care); and

iii. Issue guidelines permitting family and friend child care providers to provide care to up to five unrelated children in the provider's home.

b. To the extent necessary to allow for child care approved by the State Superintendent, and upon a finding by the unit that the suspension will not

endanger the public health, welfare, or safety, any unit of State or local government may, in consultation with the State Superintendent, suspend the effect of a statute, rule, or regulation that it administers or enforces relating to the following:

i. Zoning, so as to waive any required permits for the use of land;

ii. Building, use, and occupancy permitting, so as to remove limits on the use of a building based on a child's age;

iii. Fire inspection; and

iv. Testing of water, sewers and sewage, drainage, sanitation, refuse disposal, or pollution on private property.

V. 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.

VI. The State Superintendent may, in consultation with the Secretary of Health and the Director of MEMA, suspend the effect of any other statute, rule, or regulation of an agency of the State or a political subdivision relating to child care in the state or that is otherwise inconsistent with this Order.

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

ISSUED UNDER MY HAND THIS 25TH DAY OF MARCH, 2020, AND EFFECTIVELY IMMEDIATELY.

Lawrence J. Hogan, Jr.
Governor