The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-05-13-01

AMENDING AND RESTATING THE ORDER OF MAY 6, 2020, ALLOWING REOPENING OF CERTAIN BUSINESSES AND FACILITIES, SUBJECT TO LOCAL REGULATION

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 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 and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller 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, while strategically activating the Maryland Strong: Roadmap to Recovery plan;

WHEREAS, the 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, total hospitalizations and usage of hospital beds have been stable or slowly decreasing;

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 and Implementing 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 20-03-29-01, 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 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 deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in relation to any activity

permitted under this Order or any business, organization, establishment, or facility that is permitted by this Order to be open to the general public, which directives may include, without limitation, binding requirements and/or non-binding recommendations.

c. Political subdivisions are not prohibited from opening outdoor public spaces to the general public (such as parks, sports fields and courts, beaches, dog parks, and playgrounds), subject to the following:

   i. The decision to do so shall be made after consultation with the health officer for the county in which the outdoor public space is located (or, in the case of outdoor public spaces located in Baltimore City, the Commissioner of Health for Baltimore City) (the "Local Health Officer").

   ii. The Local Health Officer may issue such directives or orders as may be necessary to monitor, prevent, reduce the spread of, and suppress COVID-19 with respect to the use of the outdoor public space ("Health Officer Directives").

   iii. The political subdivision must require persons using the outdoor public space to comply with applicable Secretary's Directives, applicable Health Officer Directives, and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention ("CDC") and the Maryland Department of Health ("MDH").

d. 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 to close or modify their operations; and/or

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

e. Local Orders may remain in effect for so long as this Order (as it may be amended from time to time) remains in effect. The authority granted by paragraph I.d is in addition to, not in derogation of, any authority of a political subdivision under its charter, laws, ordinances, or regulations.

II. Gatherings Larger Than 10 Persons Prohibited. Social, community, recreational, leisure, and sporting gatherings and events of more than 10 people ("large gatherings and events") are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

III. Businesses, Organizations, Establishments, and Facilities That May Be Open.

a. *Religious Facilities*. Subject to applicable Local Orders, effective as of 5:00 p.m. on May 15, 2020, churches, synagogues, mosques, temples, and other similar religious facilities of any faith in the State of Maryland ("Religious Facilities") may open to the general public, *provided, however*, that the total number of persons permitted in a Religious Facility at any one time shall not exceed 50% of that Religious Facility's Maximum Occupancy (defined below).

b. *Retail Establishments*. Subject to applicable Local Orders, effective as of 5:00 p.m. on May 15, 2020, retail businesses, organizations, establishments, and facilities in the State of Maryland that principally sell goods ("Retail Establishments") may open to the general public, *provided, however*, that the total number of persons permitted in a Retail Establishment at any one time shall not exceed 50% of that Retail Establishment's Maximum Occupancy (defined below).

c. *Manufacturing*. Subject to applicable Local Orders, effective as of 5:00 p.m. on May 15, 2020, all manufacturing businesses and facilities in the State of Maryland may open.

d. *Certain Personal Services*.

i. Subject to applicable Local Orders and paragraph III.d.ii below, effective as of 5:00 p.m. on May 15, 2020, the following establishments in the State of Maryland ("Personal Services Establishments") may open to the general public:

1. beauty salons, but only to provide hair services and provide hair services—blow drying, as described in Title 5 of the Business Occupations Article of the Maryland Code; and

2. barber shops.

ii. All customers over the age of two are required to wear Face Coverings (as defined in the Face Coverings Order (defined below)) while inside any Personal Services Establishment, except to the extent wearing a Face Covering would make it impossible for services to be performed. All Personal Services Establishments shall:

1. require staff to wear Face Coverings while in areas open to the general public and areas in which interaction with other staff is likely;

2. provide services on an appointment basis only;

3. not allow the number of persons in the Personal Service Establishment to exceed 50% of the Personal Service

Establishment's Maximum Occupancy (defined below); and

4. after providing services to each customer, clean and disinfect the area in which services were performed in accordance with applicable guidance from the CDC and MDH.

e. *Outdoor Recreation*. Subject to applicable Local Orders, effective as of 7:00 a.m. on May 7, 2020, notwithstanding paragraph IV.f.i.8 below, the following establishments in the State of Maryland may open to the general public:

i. golf courses and driving ranges;

ii. outdoor archery and shooting ranges;

iii. marinas and watercraft rental businesses;

iv. campgrounds; and

v. horse boarding and riding facilities.

f. *Determination of Maximum Occupancy*. With respect to a Religious Facility, Retail Establishment, or Personal Service Establishment (a "Facility"), "Maximum Occupancy" means:

i. The maximum occupancy load of the 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.

g. *Operating Requirements*.

i. All businesses, organizations, establishments, and facilities that are permitted to be open under this paragraph III shall comply with:

1. applicable Local Orders;

2. applicable Secretary's Directives;

3. applicable social distancing guidance published by CDC and MDH; and

4. orders issued by the applicable Local Health Officer 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.

ii. For avoidance of doubt, Retail Establishments shall continue to comply with the Order of the Governor of the State of Maryland Number 20-04-15-01, dated April 15, 2020, entitled "Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures", as it may be amended from time to time (the "Face Coverings Order").

iii. Any business, organization, establishment, or facility in the State of Maryland may require its customers over the age of two, visitors over the age of two, and/or staff to wear Face Coverings (as defined in the Face Coverings Order). A business, organization, establishment, or facility that elects to do so shall post signage at each entrance advising customers, visitors, and/or staff about such requirement.

IV. Businesses, Organizations, Establishments, and Facilities Required to Close.

a. *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 until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

b. *Restaurants and Bars*.

i. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland ("Restaurants and Bars"). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of "Restaurants and Bars."

ii. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of MDH, food and beverages may be:

1. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or

2. delivered to customers off the premises.

c. *Fitness Centers*.

i. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland ("Fitness Centers").

ii. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by

applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.

d. *Theaters*.

i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown ("Theaters").

ii. All Theaters shall remain closed to the general public.

e. *Malls*.

i. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses ("Enclosed Malls").

ii. The following portions of Enclosed Malls shall remain closed to the general public:

1. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and

2. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.

iii. This paragraph IV.e does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.

iv. Notwithstanding paragraph IV.e.ii, local governments may approve access by the general public to the following parts of Enclosed Malls:

1. retail establishments (a) that primarily sell groceries or pharmacy products, or (b) at which licensed professionals provide health care services; and

2. pedestrian concourses and other interior common areas, but solely to the extent necessary for the general public to access the retail establishments described in paragraph IV.e.iv.1.

f. *Other Recreational Establishments*.

i. This Order controls the occupancy and use of the following establishments in Maryland ("Recreational Establishments"):

1. bingo halls;
2. bowling alleys;
3. pool halls;

4. amusement parks;
5. roller and ice skating rinks;
6. miniature golf establishments;
7. social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Clubs; and
8. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

ii. All Recreational Establishments shall remain closed to the general public (including members, in the case of private clubs).

g. *Other Miscellaneous Establishments*.

i. This Order controls the occupancy and use of the following establishments in Maryland:

1. tattoo parlors;
2. tanning salons;
3. massage parlors; and
4. establishments that provide esthetic services or provide nail technician services (as described in Title 5 of the Business Occupations Article of the Maryland Code).

ii. The establishments listed in paragraph IV.g.i above shall remain closed to the general public.

h. *Other Non-Essential Businesses*.

i. This Order controls the occupancy and use of all businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (currently described at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19) (collectively, "Non-Essential Businesses").

ii. Subject to paragraph III above, Non-Essential Businesses shall remain closed to the general public.

iii. Staff and owners may continue to be on-site at Non-Essential Businesses for only the following purposes:

1. Facilitating remote working (a/k/a/ telework) by other staff;

2. Maintaining essential property;

3. Preventing loss of, or damage to property, including without

limitation, preventing spoilage of perishable inventory;

4. Performing essential administrative functions, including without limitation, picking up mail and processing payroll; and

5. Caring for live animals.

i. *Closure By Other Order*. All businesses, organizations, establishments, and facilities that are required to close pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with such other Order, as the case may be.

V. Specific Exclusions. For avoidance of doubt, this Order does not require the closure of, or prohibit the movement of any staff or volunteer traveling to, from, or in connection with their duties at any:

a. federal, State, or local government unit, building, or facility;

b. newspaper, television, radio, or other media service; or

c. non-profit organization or facility providing essential services to low-income persons, including, without limitation, homeless shelters, food banks, and soup kitchens.

VI. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

i. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and

ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

VII. 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.

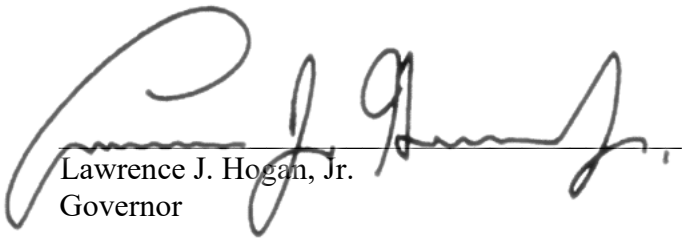
c. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

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 13TH DAY OF MAY, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor