

Maryland Phase Three: Movie Theaters, Live Entertainment Venues Permitted to Reopen

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Maryland Governor Larry Hogan has signed a new [Executive Order](#) (EO) reopening movie theaters and live entertainment venues, subject to limitations and local regulation. Additionally, the EO permits retail stores and houses of worship to increase capacity from 50% to 75%, subject to local regulation.

These changes, effective September 4, 2020, at 5:00 p.m., signal the beginning of phase three of the Governor's [Maryland Strong: Roadmap to Recovery](#). (For more, see our articles, [Maryland Expands Face Covering Requirement](#), [Unemployment Benefits](#), [Issues Travel Advisory](#) and [Maryland Phase Two Reopenings: Indoor Dining, Malls, Gyms.](#))

Movie Theaters, Live Entertainment Venues Can Reopen

Pursuant to the EO, movie theaters and live entertainment venues, which were previously prohibited from reopening, will be permitted to reopen, subject to the following limitations:

- Indoor Theaters (where live performances occur or motion pictures are shown) may reopen to the general public, provided that the total number of people permitted in the Indoor Theater at any one time (per individual auditorium or performance stage) not exceed the lesser of 50% of the Indoor Theater's Maximum Capacity (see below) or 100 people.
- Outdoor Entertainment Venues (where live performances occur or motion pictures are shown outdoors and at which entry is limited to ticketed customers) may reopen to the general public, provided that the total number of people permitted in an Outdoor Entertainment Venue at any one time does not exceed the lesser of 50% capacity of the Outdoor Entertainment Venue's Maximum Capacity (see below) or 250 people.

"Maximum Occupancy" means the load of the Facility under the applicable fire code, as set forth on a certificate for the Facility by a local fire code official, or, 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.

Retail Stores, Houses of Worship May Increase Capacity From 50% to 75%

Pursuant to the EO, retail stores and houses of worship will be able to increase capacity from 50% to 75%, subject to local regulation.

Flexibility for Local Jurisdictions

In line with previous orders, the EO provides a flexible and community-based approach to reopening. County leaders are allowed to make decisions on the timing of reopening in their individual jurisdictions.

Howard County, Baltimore County, Carroll County, and Hartford County have announced that they will follow the Governor's phase three reopening timeline.

Baltimore City, Anne Arundel County, and Montgomery County have announced that they will *not* be following the Governor's phase three reopening plan.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our COVID-19 team.

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