

Maryland Begins to Gradually Reopen Its Economy

By Emmett F. McGee & Kathleen A. McGinley

May 19, 2020

Meet the Authors



Emmett F. McGee

Principal
410-415-2003
Emmett.McGee@jacksonlewis.com



Kathleen A. McGinley

(She/Her)
Office Managing Principal and Office
Litigation Manager
410-415-2085
Kathleen.McGinley@jacksonlewis.com

Related Services

COVID-19
Disability, Leave and Health
Management
Workplace Safety and Health

Maryland Governor Larry Hogan has signed a new [Executive Order](#) (EO) lifting Maryland's Stay-At-Home Order and allowing the reopening of certain businesses and facilities, subject to limitations and local regulation.

These changes took effect on May 15, 2020, and signal the beginning of stage one of the Governor's [Maryland Strong: Roadmap to Recovery](#), a three-stage plan for the state to restart its economy and begin lifting the government restrictions in response to the COVID-19 pandemic. (See our article, [Maryland Governor Outlines Phased Reopening Plan Post-COVID-19 Shutdown.](#))

Retail Establishments, Professional Services, Houses of Worship that May Open
Pursuant to the EO, the following establishments, businesses, organizations, and facilities may open with certain limitations (and subject to applicable local orders noted below):

- *Manufacturing* businesses and facilities may open.
- *Retail stores* that principally sell goods may open at up to 50 percent capacity, with curbside pickup and delivery strongly encouraged. The Office of Legal Counsel published a [Guidance](#) that provides a non-exhaustive list of retail stores that may open. The list includes:
 - Animal adoption shelters
 - Art galleries
 - Bookstores
 - Car washes
 - Clothing and shoes stores
 - Florists
 - Furniture stores
 - Jewelers
 - Lawn and garden stores
 - Pawn shops
 - Pet groomers
 - Sporting goods stores
 - Tobacco and vape shops
- *Beauty salons (only to provide hair services), and barbershops* may open at up to 50 percent of the establishment's maximum occupancy (pursuant to applicable fire code or law) and by appointment only. Additionally, after each service is performed, the establishment must clean and disinfect the area where the service was performed in accordance with Centers for Disease Control and Prevention (CDC) and Maryland Department of Health guidance. Further, all staff must wear face coverings in areas open to the general public and in areas in which interaction with other staff is likely. Customers over the age of two are required to wear face coverings while inside these establishments, except where wearing a face covering would make it impossible for services to be performed.

- *Churches and other houses of worship* may open and begin to hold religious services at up to 50 percent capacity, with outdoor services strongly encouraged.

Certain outdoor recreational establishments, which were permitted to open on May 7, 2020, in accordance with the Governor's previous order, may remain open to the general public. These include:

- Golf courses and driving ranges;
- Outdoor archery and shooting ranges;
- Marinas and watercraft rental businesses;
- Campgrounds; and
- Horse boarding and riding facilities.

All Businesses Permitted to Open Must Followed Specific Operational Guidelines

Pursuant to the EO, the above types of reopened businesses, organizations, establishments, and facilities:

1. Must comply with applicable social distancing guidelines; and
2. May require their customers over the age of two, visitors over the age of two, or staff to wear face coverings and, if so, must post signage at each entrance advising customers, visitors, or staff about its face covering requirement.

Retail establishments that were open during the Stay-At-Home Order (*i.e.*, grocery stores, pharmacies, liquor stores, public transportation, and restaurants serving take-out) must continue to comply with the Governor's April 15, 2020, [Executive Order](#) requiring face coverings and physical distancing measures. (For details, see our article, [Maryland Mandates Face Coverings at Retail Stores, On Public Transportation under COVID-19 Emergency.](#))

Previous State-Wide Restrictions Remain

Notwithstanding the provisions above, the restrictions of Governor Hogan's previous Stay-At-Home Order, including restrictions on gatherings of more than 10 people and the closure of other businesses deemed non-essential, are restated in the latest EO and remain in place.

Flexibility for Local Jurisdictions

The EO provides a flexible and community-based approach to reopening, which allows county leaders to make decisions on the timing of reopening in their individual jurisdictions. Following is a list of local jurisdictions in Maryland that have implemented more restrictive reopening measures than the EO:

- *Anne Arundel County's* Council Executive signed an [Executive Order](#) to allow retail businesses to open (for curbside pickup only), as well as automatic car washes and pet grooming businesses to open (if they allow only one customer inside at a time). Manufacturing businesses also can open. Religious facilities may open (any gatherings may not exceed 10 people). Barbershops and hair salons are permitted to open under restrictions similar to the EO. Certain outdoor activities can also continue.
- *Baltimore City's* Mayor signed an [Executive Order](#) extending the provisions of the Governor's previous May 6, 2020, Stay-At-Home Executive Order in Baltimore

City, as restated in the City's latest Executive Order.

- *Baltimore County's* Council Executive issued an [Executive Order](#) to allow retail stores to open for curbside pickup and delivery only. Staff must wear masks when interacting with customers and other staff. Customers must wear masks while at the retail store. Remaining manufacturing firms, initially deemed non-essential, can resume operations and should implement measures to protect the health and safety of staff. Such measures as staggered shifts and use of personal protective equipment, face coverings, and hand sanitizer are encouraged. Religious institutions may not begin holding worship services and ceremonies indoors and must otherwise restrict gatherings to no more than 10 people (even outdoors). Personal services, including barbershops and hair salons, must remain closed, except as permitted by the previous state-wide order regarding services for essential workers. Residents in Baltimore County are strongly advised to continue to stay at home as much as possible. Residents and visitors to Baltimore County must wear masks in indoor public areas, retail stores, and on public transportation.
- *Charles County's* Board of Commissioners [announced](#) its vote to begin to follow the EO on May 29.
- *Frederick County's* Executive issued an [Executive Order](#) stating that the EO did not take effect in the County, except that, subject to any limitations in the EO, manufacturing may open and all retail stores may open for curbside pickup and delivery, with retail spaces smaller than 10,000 square feet permitted to open at 50 percent capacity (staff and customers must wear masks and limit the handling of cash). Beauty salons and barbers can open according to similar provisions in the EO, with special morning hours for only seniors and other vulnerable residents. Animal adoption facilities, car washes, and pet groomers also may open. Additionally, religious facilities may open at up to 50 percent capacity, up to a total limit of 250 people, with face coverings required (presumably, by all attendees).
- *Howard County's* Executive [announced](#) the opening of manufacturing, the opening of retail stores (for curbside pickup or delivery only), resumption of religious gatherings (for only up to 10 people), and the opening of certain outdoor activities. Barbershops and beauty salons can open subject to the provisions of the EO (may only permit one customer in a location at a time). The County also released its own framework for reopening: [HoCo RISE, Reopening Innovatively, Safely, and Effectively](#).
- *Montgomery County's* Executive released an [Executive Order](#) extending provisions of the Governor's previous May 6, 2020, Stay-At-Home Executive Order, as restated in the County's Executive Order.
- *Prince George's County's* Executive released an [Executive Order](#) mandating that Prince George's County residents must continue to stay at home according to provisions similar to the Governor's previous May 6, 2020, Stay-At-Home Executive Order.

Jackson Lewis has a [dedicated team](#) tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.