

## **BALTIMORE COUNTY HEALTH DEPARTMENT DIRECTIVE AND ORDER**

I, Dr. Gregory Wm. Branch, Health Officer for Baltimore County, Maryland, as the designee of Robert R. Neall, Secretary of Health for the State of Maryland, and Baltimore County Executive John A. Olszewski, Jr., finding it necessary for the control and medical containment of 2019 Novel Coronavirus (“2019-nCoV” or “COVID-19”) and the disease it causes (“SARS-CoV-2”) and for the investigation of actual or potential exposures to 2019-nCoV, hereby give the following Directive and Order directing the following measures be implemented to ensure public safety and limited transmission of a potentially deadly contagious and infectious disease.

**WHEREAS**, there is continued community transmission of COVID-19 in Baltimore County despite the current prevention measures; and

**WHEREAS**, there appears to be an increase in the rate of positive test results for COVID-19 across the State of Maryland, particularly among young adults; and

**WHEREAS**, suppression of cases will support the reopening of schools; and

**WHEREAS**, suppression of cases will strengthen Baltimore County’s economic recovery; and

**WHEREAS**, preventing an increase in cases is essential to safeguard the public health, safety and welfare; and

**WHEREAS**, there is a growing body of evidence of the effectiveness of face coverings in preventing transmission of COVID-19 by symptomatic, pre-symptomatic and asymptomatic individuals;

**NOW, THEREFORE**, I, Dr. Gregory Wm. Branch, Health Officer for Baltimore County, Maryland, as the designee of Robert R. Neall, Secretary of Health for the State of Maryland, pursuant to COMAR 10.06.01.06, the authority delegated to local Health Officers by Governor Hogan’s Executive Order No. 20-11-17-01, and the authority granted by the Baltimore County Code, 2015, and by the authority delegated from the County Executive to the Health Officer by Executive Orders issued pursuant to Baltimore County Code, 2015 (“BCC”) §§ 3-1-503 and 3-1-504, and finding it necessary for the control and medical containment of COVID-19 in Baltimore County, hereby orders and directs the following:

1. It is strongly recommended that all residents of and visitors to Baltimore County continue to follow the most current guidance from the CDC, Maryland Department of Health and Baltimore County Department of Health regarding social distancing.

2. (a) Individuals at food service establishments while eating or drinking shall be subject to the same existing regulations and exceptions previously in place under the Governor’s Executive Orders and the Health Officer Orders of the Maryland Department of Health (“MDH”) including, but not limited to, Governor’s Executive Order No. 20-11-17-01, Secretary Neall’s Amended Directive and Order Regarding Food Service Establishments No. MDH 2020-11-17-03, and Baltimore County Executive Orders including, but not limited to Executive Order 2020-23, and all previously issued Baltimore County Health Directives/Orders. In addition, all non-seated parties, must wear a face covering when moving in or about a restaurant or bar premises.

(b) For food service establishments with indoor booth seating, the social distance of 6 feet must be maintained by closing every other booth. For food service establishments with outdoor booth seating, as an alternative to closing every other booth, a plexiglass or other air-impermeable shield may be used to separate adjacent booths from each other in order to satisfy the social distancing requirement, so long as the plexiglass or other air-impermeable shield is sufficient to prevent persons in adjacent booths

from any physical contact while either seated or standing (i.e., a height of at least 6 feet from the floor to the top of the shield). A mesh or otherwise permeable barrier cannot be used.

(c) Individuals at food service establishments, when in an indoor seating area or an outdoor seating area as those terms are defined in Executive Order No. 2020-023, shall wear face coverings so that the face covering fully covers the nose and mouth and is secured to the head when not engaging in the physical act of eating or drinking.

(d) All staff and employees at food service establishments shall wear face coverings while working so that the face covering fully covers the nose and mouth and is secured to the head.

3. For cigar and hookah lounges, smoking sections are hereby closed. Food and beverages shall not be served or consumed on the premises of any cigar or hookah lounge. Retail sections at cigar and hookah lounges may remain open, and are subject to the same requirements as Retail Establishments, as that term is defined in Baltimore County Executive Order 2020-023. Face coverings shall be worn by staff, employees and customers at all times so that the face covering fully covers the nose and mouth and is secured to the head.

4. When at any Indoor Recreation Establishment, as that term is defined in Executive Order 2020-023, face coverings shall be worn by staff, employees and customers at all times so that the face covering fully covers the nose and mouth and is secured to the head when not engaging in the physical act of eating or drinking.

5. (a) For fitness centers, face coverings must be worn inside fitness centers at all times, whether a person is engaging in vigorous exercise or not. Customers shall wear face coverings so that the face covering fully covers the nose and mouth and is secured to the head when not engaging in the physical act of drinking a beverage to stay hydrated during exercise, including but not limited to water, Gatorade or similar sports drink. It is strongly encouraged that any vigorous exercise be done outside when possible.

(b) All staff and employees shall wear face coverings while working so that the face covering fully covers the nose and mouth and is secured to the head.

(c) For fitness centers that have indoor swimming pools, a person does not need to wear a face covering in an indoor swimming pool only if that person is physically engaged in the act of swimming.

6. (a) The Health Officer or his/her designee, in an effort to protect the public health, welfare, and safety of persons within Baltimore County and prevent the transmission of and control the spread of COVID-19, may enter any place of business or place of assembly for the purpose of inspecting it to ensure it meets proper health and safety standards.

(b) If the Health Officer or his/her designee determines that a condition exists which presents an immediate threat or hazard to contagious or infectious disease control that impacts public health and safety, the Health Officer or his/her designee may, in his/her discretion, issue a warning; issue an order modifying the operation of the business or place of assembly if the Health Officer or his/her designee determines that a specific business operation or facility poses an unreasonable risk of exacerbating the spread of COVID-19, which would include an unreasonable risk deemed to be the result of non-compliance with face covering requirements; order the immediate removal of the condition presenting an immediate threat or hazard to contagious or infectious disease control that impacts public health and safety, or immediately shut down the business or place of assembly.

7. The Health Officer or his/her designee may request the assistance of Baltimore County Code Enforcement or law enforcement, including the Police Department, the Fire Marshal and/or the Building Official, in accordance with the penalties set forth therein, in addition to any enforcement measures authorized by the Governor of the State of Maryland.

8. This Directive and Order is in addition to, and does not supersede, all previous County Health Directives/Orders, except to the extent any prior County Health Directive/Order is inconsistent with this Directive and Order, in which event this Directive and Order shall control.

#### **TERMINATION DATE**

This Directive and Order shall be in effect for forty-five (45) days or until the local state of emergency ends in accordance with Resolution 135-20 or any subsequent Resolution of the County Council or on the date this Directive and Order is rescinded, superseded, amended or revised by the Health Officer, whichever is earlier.

#### **PENALTIES FOR VIOLATION**

A person who violates this Directive and Order, or any local Directive/Order, is subject to a civil penalty not to exceed \$500.00 per violation under the County Code, or any and all other criminal penalties that may be available by and through the Governor's Order.

**THIS LOCAL HEALTH OFFICER DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND  
THIS 15<sup>th</sup> DAY OF DECEMBER 2020, EFFECTIVE 5:00 P.M. DECEMBER 17<sup>th</sup>, 2020.**



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Gregory Wm. Branch, M.D., MBA, CPE, FACP  
Health Officer, Baltimore County