

**BALTIMORE COUNTY HEALTH DEPARTMENT DIRECTIVE AND ORDER
CONCERNING THE USE OF FACE COVERINGS**

I, Dr. Gregory Wm. Branch, Health Officer for Baltimore County, Maryland, as the designee of the 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 and for the protection and health and safety of Baltimore County citizens, and other individuals in Maryland,, hereby give the following Directive and Order directing and authorizing the following measures be implemented to ensure public safety and to control the limited transmission of a potentially deadly contagious and infectious disease.

WHEREAS, On December 27, 2021, a local state of emergency was declared by County Executive John A. Olszewski, Jr., to control and prevent the spread of COVID-19 within Baltimore County, Maryland (the “County”);

WHEREAS, COVID-19, an infectious and contagious respiratory disease that spreads easily from person to person and may result in serious illness or death, and its variants are a public health catastrophe which has been confirmed in the County, and as a result, the County may take such action as is necessary to maintain health and control and prevent the spread of any contagious or infectious diseases within the jurisdiction;

WHEREAS, A public health crisis remains within the jurisdiction of Baltimore County, and there continues to be significant community transmission of the COVID-19 virus (and its variants); and

WHEREAS, Community transmission of the COVID-19 virus and its variants within Baltimore County has significantly increased since November 3, 2021 and continues to threaten the lives, health and safety of the citizens of Baltimore County; and

WHEREAS, On December 25, 2021, Baltimore County’s 7-day positivity rate was 18.2% a 268% increase over a one-month period; and

WHEREAS, The number of daily hospitalized COVID-19 patients in Baltimore County increased 231% over a one-month period (the number was 62 on November 26, 2021 and 205 on December 26, 2021); and

WHEREAS, As of December 26, 2021, ICUs Countywide are at 87.25% capacity; and

WHEREAS, As of December 26, 2021, the total number of available ICU-beds in all of Baltimore County is thirteen; and

WHEREAS, The 7-Day average of daily hospitalized COVID-19 patients in Baltimore County increased 188.5% over a one-month period (the number was 62 on November 26, 2021 and 178.86 on December 26, 2021); and

WHEREAS, On December 25, 2021 the current statewide 7-day COVID-19 positivity average is 15.85%; and

WHEREAS, The statewide COVID-19 positivity average increased by 264% from November 26, 2021 to December 25, 2021 (4.36% to 15.85%); and

WHEREAS, As of December 26, 2021, ICUs statewide are at 89% capacity; and

WHEREAS, Pursuant to the Health General Article, including, but not limited to §§ 18-205 and 18-904, and COMAR 10.06.01.03 and .04, tests for COVID-19 a report of a positive test result for COVID-19 and its variants of an individual are reported immediately to the Maryland Department of Health (“MDH”) and the local health officer. And in addition, positive test results of Baltimore County employees are voluntarily provided to Baltimore County, Maryland; and

WHEREAS, The COVID-19 public health catastrophe and public safety emergency continues; threatening lives, health and property in Baltimore County; and

WHEREAS, Pursuant to Baltimore County Code, §3-1-504, the County Executive hereby has all authority necessary to protect the health, safety, and welfare of persons within the County to control the spread of COVID-19 including, but not limited to, the right to control traffic, including public and private transportation, designate zones in which the occupancy and use of buildings and vehicles may be controlled; establish requirements to shelter in place, control the sale, transportation, and use of alcoholic beverages, control individuals on public streets, and control places of amusement and places of assembly; and

WHEREAS, Face coverings are a recognized and recommend method for reducing the spread of COVID-19 according to the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health; and

WHEREAS, The spread of COVID-19 within Baltimore County has increased dramatically in the last four (4) weeks, necessitating additional restrictive measures to save lives and prevent further exposure to COVID-19, and

WHEREAS, To reduce the threat to human health caused by the transmission of COVID-19 in the County, and to protect and save lives, it is necessary and reasonable that individuals in the County be required to use face coverings indoors in certain instances to contain the spread of COVID-19.

NOW, THEREFORE, I, Dr. Gregory Wm. Branch, Health Officer for Baltimore County, Maryland, as the designee of the Secretary of Health for the State of Maryland, pursuant to COMAR 10.06.01.06 , the Health General Article of Maryland, and the authority granted by Section 3-4-303 of 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:

I. Use of Face Coverings

a. Definitions. As used herein:

- i. "Face Covering" means a covering that fully covers a person's nose and mouth and is secured to the person's head, but is not a Medical-Grade Mask. The term "Face Covering" includes, without limitation, scarves, bandanas, and plastic full-face shields.
- ii. "Medical-Grade Mask" means an N95, KN95, surgical, or other mask that would be appropriate for a health care setting.
- iii. "Public Transportation" means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, transit services provided by any other unit of the State or any political subdivision, and all related stations and platforms. Examples of Public Transportation include, but are not limited to MTA bus service, MARC train service, Light Rail train service, MTA Metro subway service, and Mobility and Paratransit services.
- iv. "Religious Facilities" mean churches, synagogues, mosques, temples, and other similar religious facilities of any faith in Maryland.
- v. "Retail Establishments" include retail businesses, organizations, establishments, and facilities.
- vi. "Social Clubs" mean social and fraternal clubs (including without limitation, American Legion posts, VFW posts, and Elks Clubs).
- vii. "Foodservice Establishments" include restaurants, bars, nightclubs, and other similar establishments that sell food or beverages for consumption on-premises in Maryland, and Social Clubs with dining facilities.
- viii. "Fitness Centers" include fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools.
- ix. "Personal Services Establishments" include beauty salons; barber shops; tattoo parlors; tanning salons; and massage parlors.
- x. "Indoor Recreation Establishments" include Social Clubs; bingo halls; bowling alleys; pool halls; roller and ice skating rinks; and the indoor areas

of any other establishments that are subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code; and

- xi. “Indoor Theatres” include theatres, auditoriums, playhouses, halls where live performances occur or motion pictures are shown indoors.

b. Requirement to Wear Face Coverings.

- i. Except as provided in subparagraph (c), all persons over the age of five (5) years old are required to wear a Face Covering when they are:
 - 1. in or on any Public Transportation;
 - 2. indoors at any location where members of the public are generally permitted, including without limitation, Religious Facilities, Retail Establishments, Foodservice Establishments, Fitness Centers, Gaming Facilities, the indoor portions of Racing Facilities, Indoor Recreation Establishments, Personal Services Establishments, and Indoor Theaters;
 - 3. obtaining healthcare services, including without limitation, in offices of physicians and dentists, hospitals, pharmacies, and laboratories; and
 - 4. engaged in work in any area where food is prepared or packaged.
- ii. Face Coverings shall be worn so that the Face Covering fully covers the nose and mouth and is secured to the head.
- iii. Single-use Face Coverings shall be properly discarded in trash receptacles. It is recommended that all reusable Face Coverings be cleaned frequently (at least once per day).
- iv. Wearing a Medical-Grade Mask satisfies any requirement for wearing a Face Covering, but all Marylanders are urged to reserve Medical-Grade Masks for use by health care workers and first responders.
- v. While it is considered a Face Covering, a plastic full-face shield, worn by itself, is not recommended.

c. Exceptions. Persons are not required to wear Face Coverings:

- i. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
- ii. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
- iii. if wearing a Face Covering would subject the person to an unsafe working

condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;

- iv. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head, including without limitation, dental care, shaving, and facial treatments;
- v. while consuming food or beverages;
- vi. while swimming or engaging in other physical activities; or
- vii. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders.

II. Residents and visitors should practice safe physical distancing and frequently wash their hands and sanitize high-touch areas.

III. (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.

IV. 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.

V. 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.

VI. The paragraph headings in this Directive and Order are for convenience of reference only and shall not affect the interpretation of this Directive and Order. If any provision of this Directive and 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 Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

TERMINATION DATE

This Directive and Order shall be in effect until the local state of emergency ends or on the date this Directive and Order is rescinded, superseded, amended or revised by the Health Officer or other orders, whichever is earlier.

PENALTIES FOR VIOLATION

A person who violates this Directive and Order, or any local Directive/Order of the County may be assessed a civil penalty in an amount not exceeding \$1,000 pursuant to the Baltimore County Code. A civil penalty imposed as part of a citation issued under Title 3, Subtitle 6 of the Baltimore County Code may not exceed \$500 per violation. The County also reserves the right to assess all other civil and criminal fines and penalties as may be applicable, including, but not limited to those reserved to the local Health Officer for Baltimore County under state or local law.

Provided, however, that in the event of a conflict or inconsistency between the penalties set forth in COMAR 10.06.01.06 and Baltimore County Code 3-4-303, be it known that penalties issued hereunder are issued pursuant to the authority set forth in the Baltimore County Code and will control.

Nothing herein prevents the local Health Officer from issuing separate specific and distinct Health Officer Directives and Orders under COMAR 10.06.01.06, solely under the authority of the State of Maryland, ordering compliance and closure of specific facilities or building for the public health and safety and to control and investigate the spread and infection of a contagious or infectious disease.

THIS LOCAL HEALTH OFFICER DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 27TH DAY OF DECEMBER 2021, EFFECTIVE 9:00 a.m. DECEMBER 29, 2021.

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