



OFFICE OF LEGAL COUNSEL

INTERPRETIVE GUIDANCE

Number: COVID19-08
Date: March 30, 2020
Re: Order of the Governor of the State of Maryland, Number 20-03-30-01, dated March 30, 2020, Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, Additionally Requiring All Persons to Stay at Home

At this time, the Office of Legal Counsel (“OLC”) recommends that the Administration interpret the above-referenced Order as follows:

1. **Employer Documentation.** Employers who are permitted to remain open (to any degree) under the Order **may** wish to provide a letter to employees who must commute to and from work. This will help employees establish their need to travel if challenged. The suggested content for the letter is:
 - a. the name and address of the employee;
 - b. the name and address of the employer;
 - c. the nature of the employee’s work;
 - d. a brief statement of why the employer remains open for business; and
 - e. a signature and contact information for the employer.

2. **Commuters To/From Adjacent States, and Persons Transiting Maryland.** In connection with the announcement of the Order, Governor Hogan stated that persons traveling into Maryland from anywhere outside Maryland are required to self-quarantine for 14 days. This is **not** expected of:
 - a. persons who regularly commute into Maryland from an adjacent state or the District of Columbia, or vice-versa, unless such persons should otherwise self-quarantine under applicable CDC or MDH guidance (for example, because of recent travel to the New York/Tri-State area); and
 - b. persons transiting through Maryland who have only minimal contact with Maryland, i.e., only stopping for fuel, food, or other necessary supplies, not making contact with anyone for more than three minutes at a distance of less than six feet.

3. **Curbside Pickup at Restaurants.** Under this Order, Restaurants and Bars are not classified as Non-Essential Businesses. Therefore, the prohibition on curbside pickup described in OLC Interpretive Guidance document COVID19-07 does **not** apply to Restaurants and Bars.

4. **Recreational Boating.** Recreational boating is not considered an “outdoor exercise activity” for purposes of paragraph II.b.v of the Order.

5. **Diplomatic Employees.** Foreign diplomatic facilities, including without limitation, consulates and embassies, are considered government facilities that are part of the federal critical infrastructure sectors. The Order does **not** prohibit staff from traveling between their Homes and those facilities, or as needed for performance of their official duties.

This Interpretive Guidance maybe revised or rescinded at any time. Citizens are urged to consult with their own legal counsel for advice about the application of the Order and this Interpretive Guidance to their particular facts and circumstances.

6. **Clergy**. Churches, synagogues, mosques, and other similar religious facilities are considered “Non-Essential Businesses” under the Order. Clergy and other staff of those religious facilities are permitted to continue conducting Minimal Operations under paragraph IV.c of the Order, provided that they comply with all applicable guidance from the CDC and MDH regarding social distancing. In the case of religious facilities, the term “Minimal Operations” includes, but is not necessarily limited to, facilitating remote worship.
7. **Persons Providing In-Home Child, Elder, and Similar Care**. Providing care for children, senior citizens, or persons having special needs at the Home of the children, senior citizens, or persons having special needs, as the case may be, is considered an Essential Activity under paragraph II.b.iii of the Order.
8. **Prior Interpretive Guidance**. Except as rescinded and superseded by paragraph 3 of OLC Interpretive Guidance document COVID19-07, the provisions of OLC Interpretive Guidance documents COVID19-04, COVID19-05, and COVID19-06 remain in effect and are applicable to the above-referenced Order.