

COVID-19 Task Force

Maryland's Guidance for the COVID-19 Pandemic

Venable's COVID-19 Task Force Digest

Executive action

Starting on March 5, 2020, Maryland Governor Larry Hogan issued an Executive Order declaring a public health catastrophe and public emergency in response to the COVID-19 outbreak in the State of Maryland. The Governor subsequently issued several executive orders to implement measures designed to mitigate the spread of the virus. These measures are described below.

Large gatherings

- An initial Executive Order prohibited large gatherings of 250 people or more for social, community, spiritual, religious, recreational, leisure, and sports events.
- The prohibition against large gatherings was subsequently amended and limited twice:
 - The first amendment changed the limitation to 50 people.
 - The second amendment changed the limitation to 10 people. This limitation remains in effect.

Essential and nonessential businesses

The Executive Order:

- Requires immediate closure of theaters and bingo halls
- Prohibits restaurants and bars from serving food and drinks on premises, but allows businesses to provide take-out and drive-thru services
- Closed all nonessential businesses by March 23, 2020

VENABLE_{LLP}

March 26, 2020

in

Executive and legislative action

Governor Larry Hogan issued a series of Executive Orders designed to mitigate the spread of the COVID-19 outbreak in Maryland.

The Maryland legislature appropriated funds to respond to the COVID-19 outbreak, prohibit price gouging on critical resources, provide protections for workers, and cover the cost of testing not covered by health insurance.

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Large gatherings

Large gatherings are now limited to 10 people.

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Businesses

The Executive Order requires nonessential business closures, prohibits evictions, and sets limitations on restaurants and other businesses that serve food and drink.

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Healthcare

The Executive Order authorizes the Secretary of Health to establish procedures for storage of supplies, provide for temporary licensing of out-of-state healthcare professionals, and address other healthcare-related issues.

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Emergency relief fund

Maryland is making funds available to Maryland-based business that have been adversely affected by the COVID-19 pandemic.

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- Permits restaurants, bars, breweries, wineries and distilleries, and other entities holding a state or local liquor license to manufacture or sell alcoholic beverages to deliver or sell on the premises, if the product is removed, as sold or in a sealed container, from the premises immediately after sale
- Prohibits, during the emergency, the eviction of residential tenants who are unable to pay rent due to loss of income resulting from the COVID-19 outbreak

The Governor's Office of Legal Counsel has provided interpretive guidance concerning which businesses may remain open, in accordance with Governor Hogan's Executive Order issued on March 16, 2020. That information can be found here: <https://governor.maryland.gov/wp-content/uploads/2020/03/OLC-Interpretive-Guidance-COVID19-04.pdf>.

Healthcare

The Executive Order:

- Authorizes the Secretary of Health (the Secretary) to gain access to healthcare facilities needed to respond to the catastrophic health emergency
- Requires that any State of Maryland-owned property be made available as a place of treatment, isolation, and/or quarantine
- Authorizes the Secretary to establish procedures for receiving, stockpiling, rationing, and distributing all assets delivered to the State of Maryland for COVID-19 testing
- Authorizes reciprocity with healthcare professionals licensed in other jurisdictions, if they meet certain requirements and if they are needed to meet the staffing ratio requirements of a healthcare facility
- Extends all temporary healthcare-related licenses that would otherwise lapse during the state of emergency, and allows such licenses to remain in effect until the state of emergency is terminated
- Authorizes inactive healthcare practitioners to engage in active practice for which they were licensed, if they meet certain conditions and are needed to meet a healthcare facility's staffing ratios

Legislative action

The Maryland legislature has enacted or is considering the following measures:

- Appropriated funds to respond to the COVID-19 outbreak
- Passed a prohibition against price gouging during the state of emergency for certain goods, including, but not limited to, food, fuel, water, medical supplies, medicine, and cleaning products

- Prohibits employers from terminating an employee because that employee must be isolated or quarantined
- Begin licensing out-of-state healthcare professionals to provide tele-healthcare services to patients
- Requires the State Department of Health to cover the costs of testing for the disease, if the costs would not be otherwise covered by an insurance carrier or other third party

Emergency Relief Fund Programs for Maryland-based businesses

Maryland has made funds available to Maryland-based small businesses that have been adversely affected by the COVID-19 outbreak. Details about obtaining these funds can be found at:

<https://commerce.maryland.gov/fund/maryland-small-business-covid-19-emergency-relief-fund-programs>.

Summary

Like other jurisdictions, the State of Maryland has taken steps to mitigate the spread of the coronavirus and the economic hardships that the virus has created. The governor of Maryland has issued an official “stay-home” order. The governor also issued comprehensive Executive Orders that limit large gatherings, list the types of businesses that may remain open, prohibit evictions, allow for out-of-state healthcare workers to provide tele-healthcare services to patients, and address other issues. The guidance in all areas is subject to amendment, as the situation evolves. Finally, the State has established an emergency relief fund to assist Maryland-based small businesses.