

Resolution No.: 19-794
Introduced: April 20, 2021
Adopted: April 20, 2021

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

Lead Sponsors: Council President Hucker and Council Vice President Alborno

SUBJECT: Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County

Background

1. Lawrence J. Hogan, the Governor of the State of Maryland declared a state of emergency and catastrophic health emergency on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, July 31, 2020, August 10, 2020, September 8, 2020, October 6, 2020, October 29, 2020, November 25, 2020, December 23, 2020, January 21, 2021, February 19, 2021, and on March 18, 2021 to control and prevent the spread of SARS-CoV-2 also known as COVID-19 within the state and both the state of emergency and catastrophic health emergency still exist in Maryland.
2. The effects of COVID-19 require that local officials be vigilant in advising all individuals in Montgomery County, Maryland of measures they can take to protect health, safety, and welfare.
3. There are multiple COVID-19 variants with the three primary variants being the United Kingdom variant (known as B.1.1.7) which may be associated with an increased risk of death, the South Africa variant (known as B.1.351); and the Brazil variant (known as P.1).
4. The potential consequences of emerging variants include the ability to: spread more quickly in people; cause milder or more severe disease in people; evade detection by specific diagnostic tests; decreased susceptibility to therapeutic agents such as monoclonal antibodies; and further delay or possibly evade natural or vaccine induced immunity.
5. Montgomery County has confirmed cases of all three primary variants.
6. It is imperative to control the community spread of COVID-19 to avoid further mutations which give rise to new variants until such time as a sufficient portion of the population of Montgomery County is inoculated against COVID-19.
7. To date only [19.1] 26.2% of the population of Montgomery County has been vaccinated for COVID-19.

8. COVID-19 in Montgomery County has caused disease in Montgomery County which thus far has claimed the lives of [1435] 1443 Montgomery County residents.
9. The currently known and available scientific evidence and best practices support continued limitations on large gatherings, increased use of face coverings, and continued social distancing to prevent exposures and transmissions and further mutations.
10. To reduce the threat to human health caused by transmission of COVID-19 and to protect and save lives, it is necessary and reasonable that individuals in Montgomery County continue to engage in social distancing, use of face coverings, and refrain from congregating in large groups.
11. It continues to be necessary to control and direct the occupancy and use of buildings and premises, as well as places of amusement and assembly within Montgomery County.
12. Due to Montgomery County's large population and the amount of interstate travel between the District of Columbia and the Commonwealth of Virginia, disease can spread faster.
13. On March 9, Director of the National Institute of Allergy & Infectious Diseases at the NIH and Chief Medical Advisor for COVID-19 to President Biden, Dr. Anthony Fauci, told the Montgomery County Council "Now is the time to keep our foot on the accelerator with regard to adherence to public health measures, such as masking, physical distancing, and other measures that we know work to protect people from the SARS CoV-2 virus, while we are ramping up efforts to vaccinate as many people as we can as quickly as possible."
14. On March 1, CDC Director Rochelle Walensky said, "Please hear me clearly. At this level of cases with variants spreading, we stand to completely lose the hard-earned ground we have gained. These variants are a very real threat to our people and to our progress. Now is not the time to relax the critical safeguards that we know could stop the spread of COVID-19 in our communities, not when we are so close."
15. Both County Health Officer, Dr. Travis Gayles, and County Director of Emergency Management, Dr. Earl Stoddard, recommended a progressive, staged relaxation of restrictions so officials can disaggregate the data and assess the impact of the relaxation of the restrictions in other jurisdictions before deciding what is safest for the residents of Montgomery County.
16. Pursuant to Md. Code Ann. Local Government §10-328(b) a county may provide for the prevention of contagious diseases in the County.
17. A local Board of Health may, pursuant to Md. Code Ann. Health Gen. §3-202(d), adopt and enforce rules and regulations on any cause of disease in the County.
18. Pursuant to Montgomery County Code 2-65, the County Council is and may act as the County Board of Health.

19. The Council, sitting as the Board of Health, adopted a Board of Health Regulation in Resolution No. 19-760 on March 12, 2021. The Council adopted the First Amended Regulation on March 19, 2021 in Resolution No. 19-768. The Council adopted the Second Amended Regulation on March 26, 2021 in Resolution No. 19-778. The Council Adopted the Third Amended Board of Health Regulation on April 13, 2021 in Resolution No. 19-790. This Board of Health Regulation would amend Resolution No. [19-778] 19-790.
20. Rule 4(d) of the Council's Rules of Procedure provide that before the Board of Health adopts a regulation, the Council President must advertise a public hearing in a newspaper circulated throughout the County at least 15 days before the hearing and notify the governing body or chief executive officer of each municipality in the County at least 15 days before the hearing. Rule 4(d) allows the President to waive these notice provisions if a public health emergency requires immediate action. The Council President has waived these notice requirements because of the public health emergency caused by COVID-19.
21. The County Council, sitting as the Board of Health, finds after hearing the testimony and other evidence in the record of the public hearing that this public health regulation is necessary to protect the health of County residents.

Action

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, finds that this is an emergency and approves the following regulation amending the regulation adopted by Resolution No. [19-778] 19-790:

1 **1. Definitions.**

- 2 a. *“Face Covering”* means a covering that fully covers a person’s nose, mouth, and
3 chin and is secured to the person’s head, including cloth face coverings, scarves,
4 and bandanas. It does not include face covering with a valve; or solely wearing a
5 face shield.
- 6 b. *“Fitness Centers”* means a fitness center, dance studios, health clubs, health spas,
7 gyms, training facilities, ice rinks.
- 8 c. *“Foodservice Establishment”* means a restaurant, bars, or other similar
9 establishments that sell food or beverages for consumption on-premises in
10 Montgomery County and social and fraternal clubs with dining facilities.
- 11 d. *“Graduation”* means any ceremony conferring degrees or diplomas, such as at a
12 college or school.
- 13 e. *“Maximum Occupancy”* means the maximum occupancy load of a facility under
14 the applicable fire code or pursuant to applicable laws, regulations, and permits. If
15 a facility is not rated for maximum occupancy, a person per square foot option must
16 be used to calculate maximum occupancy.
- 17 f. *“Outdoor Graduation”* means a graduation held in an Outdoor Venue.
- 18 g. *“Outdoor Venue”* means any outdoor venue in the County at which:
- 19 (i) live performances occur, motion pictures are shown, or sporting events
20 occur (including, without limitation, major league, professional, minor
21 league, semiprofessional, amateur, recreational, motor sports, and collegiate
22 sporting events); and
- 23 (ii) entry is limited to ticketed customers.
- 24 “Outdoor Venue” does not include golf courses and driving ranges, outdoor archery
25 and shooting ranges, marinas and watercraft rental businesses, campgrounds, horse
26 boarding and riding facilities, drive-in movie theaters, outdoor swimming pools,
27 outdoor day camps, amusement parks, tour boats, miniature golf establishments,
28 and go-kart tracks.
- 29 [e.] h. *“Personal Service Establishments”* means hair salons, barbershops, and
30 establishments that provide tanning, tattoo, waxing, threading, electrolysis,
31 cryotherapy, facial and other skin services, massage, and nail technician services.

32 [f.] i. “*Public Transportation*” means shared-ride surface transportation services that are
33 open to the general public, including without limitation, taxi services, ride-sharing
34 services, car services, and transit services operating within Montgomery County.
35 Examples of Public Transportation include, but are not limited, to Ride-On bus
36 service, WMATA bus and train service, MARC train service, and Mobility and
37 Paratransit services.

38 [g.] j. “*Religious Facilities*” means Churches, synagogues, mosques, temples, and other
39 similar religious facilities of any faith.

40 [h.] k. “*Social gatherings*” means a gathering of persons from more than one household.
41 It includes parties, receptions, parades, festivals, conventions, fundraisers,
42 community, recreational, leisure, and non-professional sports gatherings and
43 events.

44 **2. Face Coverings.**

45 a. *Requirement to Wear Face Coverings.*

46 i. All persons in the County over the age of two (2) years old must wear face
47 coverings:

- 48 1. pursuant to State Executive Order [21-03-09-01](#) paragraphs IV.a.i.1
49 – IV.a.ii;
- 50 2. at all times in a foodservice establishment unless actively engaged
51 in eating or drinking; and
- 52 3. when actively engaged in sports – except as recommended by the
53 [American Academy of Pediatrics](#).

54 b. *Exceptions.* Paragraph 2.a. does not require persons to wear Face Coverings:

55 i. Pursuant to State Executive Order 21-03-09-01 paragraph IV.b.

56 **3. General Operating Requirements.**

57 a. Unless expressly stated to the contrary, all businesses, organizations,
58 establishments, and facilities that are permitted to operate under this Order shall:

59 i. require strict adherence to social distancing of greater than 6 feet between:

- 60 1. employees and customers; and
- 61 2. individuals or groups of individuals from different households;

62 ii. utilize markings and signage to guide employees and customers;

- 63 iii. provide employees with guidance and training to reflect updated Centers for
64 Disease Control and Prevention (“CDC”) guidance for their workplace;
65 iv. use CDC and Environmental Protection Agency (“EPA”) approved
66 disinfectants to clean spaces daily; and
67 v. require employees to wash their hands hourly.
- 68 b. All businesses, organizations, establishments, and facilities that are permitted to
69 open shall post signage indicating that they are in compliance with all provisions
70 of paragraph 3.a of this Order.

71 **4. Letters of Approval.**

- 72 a. Requests for a Letter of Approval must be submitted a minimum of 5 business days
73 before the scheduled event. Failure to submit a timely request will result in an
74 automatic denial of the Letter of Approval.
- 75 b. Failure to obtain a Letter of Approval prior to proceeding with an event will be
76 considered to be a violation of this Order and could subject the requestor, organizer,
77 and venue to the appropriate fines and sanctions.
- 78 c. Any person, organizer, or venue who is found to have held an event without a Letter
79 of Approval will be automatically disqualified from receiving a future Letter of
80 Approval.

81 **5. Gatherings.**

- 82 a. Unless expressly stated in another paragraph of this Order:
- 83 i. Outdoor gatherings of more than 50 people are prohibited.
- 84 ii. Indoor gatherings of more than 25 people are prohibited.
- 85 iii.. The size of the location and venue of any gathering must accommodate
86 applicable social distancing for the number of attendees.
- 87 iv. If more than one household is present at a gathering each individual present
88 at the gathering must be counted for purposes of determining compliance.

89 **6. Businesses that May Open.**

- 90 a. *Foodservice Establishments.*
- 91 i. Total number of persons permitted in the indoor dining portion of the
92 foodservice establishment shall not exceed 50% of the maximum
93 occupancy.

- 94 ii. Outdoor dining at a foodservice establishment must follow [MDH Order No](#)
95 [2021-03-09-01](#) paragraph 2.A.
- 96 iii. May resume buffet service pursuant to [MDH Order No 2021-03-09-01](#).
- 97 iv. Must require all customers to wear Face Coverings unless actively engaged
98 in the act of eating or drinking (e.g. while seated at the table and talking but
99 not eating or drinking).
- 100 v. Must maintain a daily record of the date, time, name and contact
101 information for at least one person for each dining party and maintain the
102 daily record for at least 30 days, to assist with contact tracing: date;
- 103 vi. Must post signage at each outdoor dining entrance advising customers and
104 visitors that:
- 105 1. they must comply with the Face Covering requirements at all times
106 when they are not actively eating or drinking;
 - 107 2. they must maintain social distancing of at least 6 feet when waiting
108 to be seated; and
 - 109 3. failure to wear Face Coverings or maintain social distancing may
110 result in their being refused service and found to be in violation of
111 this order.
- 112 b. *Cigar Bars/Hookah Bars/Vape Shops.* May open solely to sell retail goods.
113 Smoking on site is strictly prohibited.
- 114 c. *Malls.*
- 115 i. Shopping centers with one or more enclosed pedestrian concourses may
116 maintain pedestrian concourses and other interior common areas open, but
117 solely to the extent necessary for the general public to enter and exit retail
118 establishments.
 - 119 ii. Food courts located inside indoor malls shall follow paragraph 6.a.
 - 120 iii. Congregating in any indoor area outside of retail stores is prohibited.
 - 121 iv. Malls shall remove tables, chairs, benches, or any other items which could
122 encourage congregating from indoor areas outside of retail stores.
- 123 d. *Religious Facilities.*
- 124 i. The total number of persons permitted in a religious facility may not exceed
125 50% of the facility's maximum occupancy.

- 126 ii. Occupancy numbers shall include faith leaders, volunteers, and
127 congregants.
- 128 iii. Must follow spacing, screening, cleaning, and music guidelines as stated in
129 the County's [Religious Facilities Reopening](#) page.
- 130 e. *Sports.*
- 131 i. Except as provided in paragraph 6(e)(vii), all organized youth sports may
132 be played either indoors or outdoors only after a COVID Protocol Plan is
133 approved by the County Health Officer or the Officer's designee. The Plan
134 must align with guidelines by the Centers for Disease Control and
135 Prevention (CDC), Maryland State Department of Education (MSDE), and
136 Montgomery County, and include a plan for;
- 137 1. contact tracing with an attendance tracking sheet that must be
138 completed for all activities conducted;
 - 139 2. requiring that face coverings be worn per guidelines from the
140 American Academy of Pediatrics;
 - 141 3. social distancing with at least 6 feet between all participants to the
142 extent possible; and
 - 143 4. requiring the use of a student attestation form or COVID-19
144 Athlete/Coach Monitoring Form at all activities conducted.
- 145 Although voluntary, regular testing should be part of the COVID Protocol
146 Plan.
- 147 ii. A Letter of Approval must be obtained before any tournaments,
148 championships, or events are held in Montgomery County that are expected
149 to exceed guidelines.
- 150 iii. All organized sports played in the County must comply with the gathering
151 guidelines described in paragraph 6(e)(i), including limiting the
152 participating athletes to those listed on the official roster as determined
153 through the Maryland Public Secondary Schools Athletic Association
154 (MPSSAA) or the organization's governing body or league, coaches, and
155 up to 12 additional participants acting in an official game capacity.
- 156 iv. Sports played outside of an organized league must follow social gathering
157 guidelines and all persons must comply with the State mandate to use a face

158 covering whenever social distancing is not an option. The total number of
159 people present for outdoor sports played outside of an organized league is
160 limited to 50 and the total number of people present for indoor sports played
161 outside of an organized league is limited to 25.

162 v. Play and games with teams from outside of Maryland, Virginia, or the
163 District of Columbia is prohibited.

164 vi. Sports may not open to the general public. On or after April 2, 2021, 2
165 spectators per participating athlete up to a maximum of 50 spectators may
166 be permitted at a sports event if:

- 167 1. the site has a barrier to delineate the area for spectators from the area
168 for the participating athletes and coaches;
- 169 2. the area for the spectators is large enough to provide for social
170 distancing between all spectators from different households; and
- 171 3. all spectators wear face coverings and practice social distancing of
172 at least 6 feet.

173 The Health Officer or the Officer's designee may approve a COVID
174 Protocol Plan that includes more than 50 spectators for an event if the
175 Officer finds that the Plan provides for reasonable safety for all participants.

176 vii. An organized youth sports league that was approved to operate under a prior
177 Board of Health Regulation and was not classified as a high risk sport does
178 not need a new COVID Protocol Plan approved for any event that complies
179 with the gathering limits and restrictions of the prior approval.

180 **7. Businesses that may open at 50% Maximum Occupancy.**

181 a. *Fitness Centers.*

182 i. Fitness Centers that provide sport-specific training for high-risk sports as
183 defined in [Maryland Sports Commission Return to Play Report](#) must follow
184 the restrictions in paragraph 6.e above.

185 b. *Bowling Alleys.*

186 i. all equipment (balls, shoes, etc.) and spaces (lanes, tables, seats) must be
187 cleaned between each person(s) or group's use with CDC and EPA
188 approved cleaners; and

- 189 ii. any foodservice establishment located within the bowling alley must follow
190 paragraph 6 of this Order.
- 191 c. *Escape Rooms.*
- 192 i. Only private games of a maximum of 6 people all permitted.
- 193 ii. All games are by appointment only and must be staggered so as to prevent
194 patrons from interacting with others outside of their group.
- 195 iii. Before and after each game, all items in game rooms and items provided to
196 patrons (including but not limited to lock, props, and any touchable
197 surfaces) must be thoroughly cleaned using CDC and EPA approved
198 disinfectants.
- 199 d. *Museums and Art Galleries.*
- 200 i. Exhibits requiring contact (for example “please touch” exhibits or other
201 interactive displays) must remain closed.
- 202 e. *Personal Services.*
- 203 i. Staff are required to wear gloves, and any other Personal Protective
204 Equipment as appropriate to their workplace and provided service.
- 205 f. *Pools.*
- 206 i. Must strictly comply with any guidance issued by DHHS.
- 207 g. *Retail Establishments.*
- 208 i. Employees must use any additional Personal Protective Equipment as
209 appropriate to their workplace.
- 210 h. *Recreation Centers.*
- 211 **8. Other Businesses, Organizations, Establishments, and Facilities that may open at**
212 **25% capacity provided they do not sell or permit food for consumption at the facility.**
- 213 a. *Amusement parks.* Including stand-alone types, such as, but not limited to merry-
214 go-rounds and roller coasters.
- 215 b. *Bingo halls.*
- 216 c. *Go-kart tracks.*
- 217 d. *Roller skating rinks.*
- 218 e. *Social Clubs.*

- 219 f. *Theaters*. This Order controls the occupancy and use of theatres in Montgomery
220 County at which live performances occur or motion pictures are shown
221 (“Theaters”).
- 222 g. *Trampoline Parks*.
- 223 h. Any other establishment not listed above that is subject to the admission and
224 amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

225 **9. Camps.**

- 226 a. *General Requirements.*
- 227 i. Only campers from Maryland, Virginia, and District of Columbia are
228 permitted to attend youth camps in Montgomery County.
- 229 ii. Participants must be separated into groups of 25 participants indoors and
230 groups of 50 participants outdoors. Participants include all campers, staff,
231 and any volunteers. Participants must not mix with members of another
232 group in the camp.
- 233 iii. Must have a COVID Protocol Plan that is approved by the Health Officer
234 or the Health Officer’s designee for daily monitoring of the health and
235 safety of campers and staff which includes:
- 236 1. A daily COVID-19 symptom and exposure attestation form to be
237 completed by campers (or their parent/guardian) and staff. These
238 must be maintained in such a manner so as to preserve
239 confidentiality.
- 240 2. Excluding staff or campers, pursuant to CDC guidance, who have
241 tested positive for COVID-19, are symptomatic, or who have had a
242 known exposure to a confirmed case of COVID-19.
- 243 3. Adopting infection control strategies which include:
- 244 a. Social distancing;
- 245 b. Hand hygiene;
- 246 c. Cough and sneeze hygiene;
- 247 d. Proper use, removal, and washing of cloth face coverings;
- 248 e. Providing policies and education on COVID-19 symptoms
249 and response;
- 250 f. Avoiding the use of items that are not easily cleaned and

- 251 disinfecting;
- 252 g. Ensuring adequate supplies of tissues, hand soap, alcohol-
- 253 based hand sanitizer, EPA approved cleaning products for
- 254 COVID-19 disinfection suited for the facility;
- 255 h. Effective cleaning and disinfection of surfaces; and
- 256 i. regularly reviewing and incorporating into the Plan any CDC
- 257 guidance for youth and summer camps that does not conflict
- 258 with this Regulation.
- 259 b. *Camp Food Service Operations.*
- 260 i. Camp food service operations must ensure there are no shared items such
- 261 as serving utensils or condiment containers.
- 262 ii. Must ensure physical distancing for campers waiting for food service and
- 263 while dining.
- 264 c. *Youth Camp Programming and Training.*
- 265 i. Field Trips and Camp Transportation.
- 266 1. All transportation provided by camps should follow social
- 267 distancing guidelines for occupants and should prevent mixing of
- 268 camp groups.
- 269 2. Staff and campers must use face coverings during transportation and
- 270 when in public areas.
- 271 3. Clean and disinfect vehicles after each use.
- 272 ii. Sports activities.
- 273 1. Limited to groups of 25 participants indoors and groups of 50
- 274 participants outdoors. Participants include all campers, staff, and
- 275 any volunteers. Participants must not mix with participants from
- 276 another group.
- 277 2. Close physical contact during sports activities should be avoided
- 278 whenever possible and masks must be worn when actively engaged
- 279 in sports, except as recommended by the [American Academy of](#)
- 280 [Pediatrics](#).
- 281 3. Equipment must be cleaned and disinfected after each use.
- 282 d. *Residential Camps.* All residential youth camps must implement the following

283 measures in addition to the measures described above:

- 284 i. Each group of campers/staff stays with their sleeping group, do not mix
285 campers or staff among groups for the duration of the session.
- 286 1. Maximum capacity for each sleeping area is groups of 25 adults and
287 campers.
- 288 2. For bunk beds, if both upper and lower beds are occupied, sleep with
289 the top bunk individual's head above the lower bunk individual's
290 feet.
- 291 3. Minimum of 6 feet between each occupied bunk or bed, provide
292 maximum distance between each individual's head.
- 293 4. Complete COVID-19 temperature and symptom screening for staff
294 and campers every morning.
- 295 ii. Residential camps with a COVID-19 positive or probable case will send all
296 campers/staff in the group to their homes or quarantine in place with
297 additional requirements based on consultation with the local health
298 department.
- 299 iii. Clean and disinfect high touch surfaces in bathroom facilities and sleeping
300 quarters daily.

301 **10. Graduations.** May occur if the following requirements are met:

- 302 a. Generally.
- 303 i. Persons/groups of guests not of the same household must maintain a
304 minimum of 6 feet of social distance at all times, including during any
305 graduate procession.
- 306 ii. All persons present must wear face coverings consistent with paragraph 2
307 of this Regulation.
- 308 iii. All persons present must be included in the numerical attendance totals.
309 This includes students, faculty, staff, workers, vendors, guests, and
310 speakers.
- 311 iv. Any person with a fever or who is exhibiting symptoms of COVID-19, must
312 not attend a graduation ceremony.
- 313 v. A record of all individuals who attended the graduation must be maintained
314 for at least 30 days to assist with contact tracing. Information collected must

315 include name, date, phone number and email (if available). This
316 information must be provided within 24 hours if requested by MCDHHS if
317 a case of COVID-19 associated with the graduation occurs. Seating charts
318 must also be provided if used.

319 vi. The school must post the following signage:

320 1. At any entrance(s) stating that nobody with a fever or symptoms of
321 COVID-19 is permitted to enter the venue and that individuals must
322 wear a mask or face covering.

323 2. Throughout the venue reinforcing social distancing, face covering
324 usage, and hand hygiene policies.

325 3. At areas of entry and egress to allow the one-way flow of attendees.

326 4. On floors and sidewalks both inside and outside the venue to provide
327 physical guides to ensure individuals remain at least 6 feet apart in
328 queuing areas.

329 5. Marking seating arrangements to delineate physically distanced
330 seating.

331 vii. Must prohibit congregating or gathering in common areas both inside and
332 outside of the venue before or after the graduation ceremony.

333 viii. Prohibit group or staged photography.

334 b. Ceremony.

335 i. Ceremonies must not exceed 2 hours, but the venue may be open for an hour
336 in advance and after the ceremony to prevent crowding at points of ingress
337 and egress.

338 ii. No more than 10 persons must be permitted on the stage at any given time.
339 Persons on the stage must be spaced at least 6 feet apart.

340 iii. Only single performers/speakers must be allowed (e.g., no choirs or bands)
341 during the ceremony.

342 1. A minimum of 12 feet must be maintained from the audience if
343 performers/speakers are masked.

344 2. A minimum of 18 feet must be maintained from the audience if
345 performers/speakers are unmasked.

- 346 3. Use of shared objects during the graduation should be minimized
347 (e.g. microphones).
- 348 4. Diplomas must be distributed with no handshake or physical
349 contact.
- 350 5. No food or beverage service is permitted during ceremonies
351 (including concession stands).
- 352 6. If permitted by the venue, guests may bring their own
353 beverages/snacks which may only be consumed while seated.
- 354 7. All guests must be seated and remain in their seats throughout the
355 ceremony.
- 356 8. Any items handed out to guests must be single use or cleaned and
357 disinfected between each guest use (e.g., assisted audio devices).
- 358 c. Communication and Response. Schools must develop a comprehensive plan to
359 communicate measures in place to prevent the spread of COVID-19 with all
360 attendees of the graduation. The plan must:
- 361 i. Identify and address potential language, cultural, and disability barriers in
362 the communication plan.
- 363 ii. Communicate COVID-19 policies to staff (including vendors), guests and
364 students, (e.g., on school/graduation website, social media sites, prominent
365 signage at entrances and throughout the venue, message screens and public
366 announcements before and during the graduation).
- 367 iii. If an attendee becomes sick while at the graduation ceremony, the school
368 must have a protocol in place for that individual to immediately leave the
369 venue. If they are unable to immediately leave (e.g., they need to wait for
370 a ride), there should be a process that allows them to isolate until they are
371 able to leave. People who are sick should go home or to a healthcare
372 facility, depending on the severity of their symptoms. Public transportation
373 should not be used.
- 374 iv. Must identify a point of contact that staff or an attendee can notify if they
375 test positive for COVID-19 within the 2 weeks from the date of the
376 graduation and choose to disclose this information.

- 377 v. In the event of a positive test result, the COVID-19 Point of Contact must
378 notify the Montgomery County Department of Health and Human Services
379 (240-777-1755) within one business day of the notice and provide them
380 with the name and contact information of the positive case.
- 381 vi. Put systems in place to encourage self-reporting.
- 382 d. Indoor Graduations.
- 383 i. Total number of persons permitted at an indoor graduation is limited to 25%
384 of the maximum occupancy of the space or 250 people, whichever number
385 is smaller (e.g. if the maximum occupancy of the space is 800, only 250
386 persons must be permitted).
- 387 ii. Must obtain a Letter of Approval prior to the graduation by submitting a
388 COVID-19 Graduation Plan which explains how all of the requirements in
389 paragraphs 10(a) – (c) will be implemented. Any requests for increased
390 occupancy should be made at this time.
- 391 e. Outdoor Graduations.
- 392 i. Total number of persons permitted at an outdoor graduation at any one time
393 must not exceed 50% of the Outdoor Venue’s Maximum Occupancy. If an
394 Outdoor Venue does not have a formal Certificate of Occupancy, 40 square
395 feet per person must be used to calculate the occupancy limit.
- 396 ii. Schools planning outdoor graduations should put careful thought and
397 planning into a back-up plan in case of inclement weather. Back-up venues
398 must meet all the requirements outlined in this guidance.
- 399 f. Recommendations. Although not required, the following are strongly
400 recommended:
- 401 i. Holding multiple smaller graduation ceremonies as necessary, so that all
402 graduating students can be accommodated while minimizing crowd sizes.
- 403 ii. Holding a virtual graduation or providing a virtual option for persons who
404 either do not wish to or are unable to attend.
- 405 iii. Use of pre-assigned/reserved seating is recommended.
- 406 iv. Attendance by persons traveling from outside of Maryland, Virginia, and
407 the District of Columbia is strongly discouraged.

408 [10.] **11. Minimal Operations.** Staff and owners may continue to be on-site at any business,
409 organization, establishment, or facility that is required to be closed pursuant to this Order
410 only for the following purposes:

- 411 a. Facilitating remote working (a/k/a/ telework) by other staff;
- 412 b. Maintaining essential property;
- 413 c. Preventing loss of, or damage to property, including without limitation, preventing
414 spoilage of perishable inventory;
- 415 d. Performing essential administrative functions, including without limitation, picking
416 up mail and processing payroll; and
- 417 e. Caring for live animals.

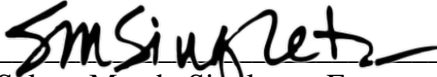
418 [11.] **12. Enforcement.** This Order must be enforced by any County department or agency
419 that has authority over the subject matter of any particular provision and the Montgomery
420 County Police Department.

421 [12.] **13. Applicability.** This regulation applies Countywide.

422 [13.] **14. Severability.** If the application of this regulation or any part of it to any facts or
423 circumstances is held invalid, the rest of the regulation and its application to all other facts
424 and circumstances is intended to remain in effect.

425 [14.] **15. Effective Date.** This regulation takes effect on April [13] 20, 2021 at 5 p.m.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council