

Resolution No.: 19-814
Introduced: April 27, 2021
Adopted: April 27, 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: Fifth 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, and on April 16, 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 [26.2] 48.4% of the population of Montgomery County have [been vaccinated for] received at least one dose of the vaccination against COVID-19.
8. COVID-19 in Montgomery County has caused disease in Montgomery County which thus far has claimed the lives of [1443] 1460 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, Centers for Disease Control and Prevention ("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. The Council Adopted the Fourth Amended Board of Health Regulation on April 20, 2021 in Resolution No. 19-794. This Board of Health Regulation would amend Resolution No. [19-790] 19-794.
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. [19-790] 19-794:

1 **1. Definitions.**

2 a. “Community Transmission Metrics” means daily case rates, COVID-19 test
3 positivity numbers, and case rates per 100,000 in the preceding 14-day period.

4 b. “Convention and Banquet Facilities” means convention facilities, conference
5 facilities, banquet and catering facilities, community halls, and Social Clubs,
6 including without limitation, hotel ballrooms.

7 c. “Face Covering” means a covering that fully covers a person’s nose, mouth, and
8 chin and is secured to the person’s head, including cloth face coverings, scarves,
9 and bandanas. It does not include face covering with a valve; or solely wearing a
10 face shield.

11 [b] d. “Fitness Centers” means a fitness center, dance studios, health clubs, health spas,
12 gyms, training facilities, ice rinks.

13 [c] e. “Foodservice Establishment” means a restaurant, bars, or other similar
14 establishments that sell food or beverages for consumption on-premises in
15 Montgomery County and social and fraternal clubs with dining facilities.

16 [d] f. “Graduation” means any ceremony conferring degrees or diplomas, such as at a
17 college or school.

18 [e] g. “Maximum Occupancy” means the maximum occupancy load of a facility under
19 the applicable fire code or pursuant to applicable laws, regulations, and permits. If
20 a facility is not rated for maximum occupancy, a person per square foot option must
21 be used to calculate maximum occupancy.

22 [f] h. “Outdoor Graduation” means a graduation held in an Outdoor Venue.

23 [g] i. “Outdoor Venue” means any outdoor venue in the County at which:

24 (i) live performances occur, motion pictures are shown, or sporting events
25 occur (including, without limitation, major league, professional, minor
26 league, semiprofessional, amateur, recreational, motor sports, and collegiate
27 sporting events); and

28 (ii) entry is limited to ticketed customers.

29 “Outdoor Venue” does not include golf courses and driving ranges, outdoor archery
30 and shooting ranges, marinas and watercraft rental businesses, campgrounds, horse
31 boarding and riding facilities, drive-in movie theaters, outdoor swimming pools,

32 outdoor day camps, amusement parks, tour boats, miniature golf establishments,
33 and go-kart tracks.

34 [h] j. “*Personal Service Establishments*” means hair salons, barbershops, and
35 establishments that provide tanning, tattoo, waxing, threading, electrolysis,
36 cryotherapy, facial and other skin services, massage, and nail technician services.

37 [i] k. “*Population*” means the number of individuals, regardless of age, who reside in
38 Montgomery County, Maryland as determined by the U.S. Census Bureau.

39 l. “*Public Transportation*” means shared-ride surface transportation services that are
40 open to the general public, including without limitation, taxi services, ride-sharing
41 services, car services, and transit services operating within Montgomery County.
42 Examples of Public Transportation include, but are not limited, to Ride-On bus
43 service, WMATA bus and train service, MARC train service, and Mobility and
44 Paratransit services.

45 [j.] m. “*Religious Facilities*” means Churches, synagogues, mosques, temples, and other
46 similar religious facilities of any faith.

47 [k.] n. “*Social gatherings*” means a gathering of persons from more than one household.
48 It includes parties, receptions, parades, festivals, [conventions,] fundraisers,
49 community, recreational, leisure, and non-professional sports gatherings and events
50 and all events held in Convention and Banquet Facilities.

51 2. Face Coverings.

52 a. *Requirement to Wear Face Coverings.*

53 i. All persons in the County [over the age of two (2) years old] must wear face
54 coverings:

55 1. pursuant to [State Executive Order [21-03-09-01](#) paragraphs IV.a.i.1
56 – IV.a.ii] CDC or Maryland Department of Health (“MDH”)
57 guidance, whichever is stricter;

58 2. at all times in a foodservice establishment unless actively engaged
59 in eating or drinking; and

60 3. when actively engaged in sports – except [[as recommended by the
61 American Academy of Pediatrics, including guidance that allows
62 the removal of face coverings during vigorous outdoor exercise in
63 high heat and high humidity conditions]] face coverings are not

64 required for vigorous outdoor exercise during high heat and
65 humidity because it may lead to a bona fide safety risk .

- 66 b. *Exceptions.* Paragraph 2.a. does not require persons to wear Face Coverings:
67 i. Pursuant to State Executive Order [[21-03-09-01]] 21-04-21-01 paragraph
68 IV.b.

69 **3. General Operating Requirements.**

- 70 a. Unless expressly stated to the contrary, all businesses, organizations,
71 establishments, and facilities that are permitted to operate under this Order [shall]
72 must:
- 73 i. require strict adherence to social distancing pursuant to CDC or MDH
74 guidance, whichever is stricter; [of greater than 6 feet between:
 - 75 1. employees and customers; and
 - 76 2. individuals or groups of individuals from different households;]
 - 77 ii. utilize markings and signage to guide employees and customers;
 - 78 iii. provide employees with guidance and training to reflect updated [Centers
79 for Disease Control and Prevention (“CDC”)] CDC guidance for their
80 workplace;
 - 81 iv. use CDC and Environmental Protection Agency (“EPA”) approved
82 disinfectants to clean spaces daily; and
 - 83 v. require employees to wash their hands hourly.
 - 84 b. All businesses, organizations, establishments, and facilities that are permitted to
85 open shall post signage indicating that they are in compliance with all provisions
86 of paragraph 3.a of this Order.

87 **4. Letters of Approval.**

- 88 a. Requests for a Letter of Approval must be submitted a minimum of 5 business days
89 before the scheduled event. Failure to submit a timely request will result in an
90 automatic denial of the Letter of Approval.
- 91 b. Failure to obtain a Letter of Approval prior to proceeding with an event will be
92 considered to be a violation of this Order and could subject the requestor, organizer,
93 and venue to the appropriate fines and sanctions.

- 94 c. Any person, organizer, or venue who is found to have held an event without a Letter
95 of Approval will be automatically disqualified from receiving a future Letter of
96 Approval.

97 **5. Gatherings.**

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

105 **6. Businesses that May Open.**

- 106 a. *Foodservice Establishments.*
- 107 i. Total number of persons permitted in the indoor dining portion of the
108 foodservice establishment shall not exceed 50% of the maximum
109 occupancy.
- 110 ii. Outdoor dining at a foodservice establishment must follow [MDH Order No](#)
111 [2021-03-09-01](#) paragraph 2.A.
- 112 iii. May resume buffet service pursuant to [MDH Order No 2021-03-09-01](#).
- 113 iv. Must require all customers to wear Face Coverings unless actively engaged
114 in the act of eating or drinking (e.g. while seated at the table and talking but
115 not eating or drinking).
- 116 v. Must maintain a daily record of the date, time, name and contact
117 information for at least one person for each dining party and maintain the
118 daily record for at least 30 days, to assist with contact tracing: date;
- 119 vi. Must post signage at each outdoor dining entrance advising customers and
120 visitors that:
- 121 1. they must comply with the Face Covering requirements at all times
122 when they are not actively eating or drinking;
- 123 2. they must maintain social distancing of at least 6 feet when waiting
124 to be seated; and

- 125 3. failure to wear Face Coverings or maintain social distancing may
126 result in their being refused service and found to be in violation of
127 this order.
- 128 b. *Cigar Bars/Hookah Bars/Vape Shops.* May open solely to sell retail goods.
129 Smoking on site is strictly prohibited.
- 130 c. *Malls.*
- 131 i. Shopping centers with one or more enclosed pedestrian concourses may
132 maintain pedestrian concourses and other interior common areas open, but
133 solely to the extent necessary for the general public to enter and exit retail
134 establishments.
- 135 ii. Food courts located inside indoor malls shall follow paragraph 6.a.
- 136 iii. Congregating in any indoor area outside of retail stores is prohibited.
- 137 iv. Malls shall remove tables, chairs, benches, or any other items which could
138 encourage congregating from indoor areas outside of retail stores.
- 139 d. *Religious Facilities.*
- 140 i. The total number of persons permitted in a religious facility may not exceed
141 50% of the facility's maximum occupancy.
- 142 ii. Occupancy numbers shall include faith leaders, volunteers, and
143 congregants.
- 144 iii. Must follow spacing, screening, cleaning, and music guidelines as stated in
145 the County's [Religious Facilities Reopening](#) page.
- 146 e. *Sports.*
- 147 i. Except as provided in paragraph 6(e)(vii), all organized youth sports may
148 be played either indoors or outdoors only after a COVID Protocol Plan is
149 approved by the County Health Officer or the Officer's designee. The Plan
150 must align with guidelines by the [Centers for Disease Control and
151 Prevention (CDC)] [CDC](#), Maryland State Department of Education
152 (MSDE), and Montgomery County, and include a plan for;
- 153 1. contact tracing with an attendance tracking sheet that must be
154 completed for all activities conducted;
- 155 2. requiring that face coverings be worn per guidelines from the
156 American Academy of Pediatrics;

- 157 3. social distancing with at least 6 feet between all participants to the
158 extent possible; and
- 159 4. requiring the use of a student attestation form or COVID-19
160 Athlete/Coach Monitoring Form at all activities conducted.
- 161 Although voluntary, regular testing should be part of the COVID Protocol
162 Plan.
- 163 ii. A Letter of Approval must be obtained before any tournaments,
164 championships, or events are held in Montgomery County that are expected
165 to exceed guidelines.
- 166 iii. All organized sports played in the County must comply with the gathering
167 guidelines described in paragraph 6(e)(i), including limiting the
168 participating athletes to those listed on the official roster as determined
169 through the Maryland Public Secondary Schools Athletic Association
170 (MPSSAA) or the organization's governing body or league, coaches, and
171 up to 12 additional participants acting in an official game capacity.
- 172 iv. Sports played outside of an organized league must follow social gathering
173 guidelines and all persons must comply with the State mandate to use a face
174 covering whenever social distancing is not an option. The total number of
175 people present for outdoor sports played outside of an organized league is
176 limited to 50 and the total number of people present for indoor sports played
177 outside of an organized league is limited to 25.
- 178 v. Play and games with teams from outside of Maryland, Virginia, or the
179 District of Columbia is prohibited.
- 180 vi. Sports may not open to the general public. On or after April 2, 2021, 2
181 spectators per participating athlete up to a maximum of 50 spectators may
182 be permitted at a sports event if:
- 183 1. the site has a barrier to delineate the area for spectators from the area
184 for the participating athletes and coaches;
- 185 2. the area for the spectators is large enough to provide for social
186 distancing between all spectators from different households; and
- 187 3. all spectators wear face coverings and practice social distancing of
188 at least 6 feet.

189 The Health Officer or the Officer's designee may approve a COVID
190 Protocol Plan that includes more than 50 spectators for an event if the
191 Officer finds that the Plan provides for reasonable safety for all participants.
192 vii. An organized youth sports league that was approved to operate under a prior
193 Board of Health Regulation and was not classified as a high risk sport does
194 not need a new COVID Protocol Plan approved for any event that complies
195 with the gathering limits and restrictions of the prior approval.

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

- 197 a. *Fitness Centers.*
- 198 i. Fitness Centers that provide sport-specific training for high-risk sports as
199 defined in [Maryland Sports Commission Return to Play Report](#) must follow
200 the restrictions in paragraph 6.e above.
- 201 b. *Bowling Alleys.*
- 202 i. all equipment (balls, shoes, etc.) and spaces (lanes, tables, seats) must be
203 cleaned between each person(s) or group's use with CDC and EPA
204 approved cleaners; and
- 205 ii. any foodservice establishment located within the bowling alley must follow
206 paragraph 6 of this Order.
- 207 c. *Escape Rooms.*
- 208 i. Only private games of a maximum of 6 people all permitted.
- 209 ii. All games are by appointment only and must be staggered so as to prevent
210 patrons from interacting with others outside of their group.
- 211 iii. Before and after each game, all items in game rooms and items provided to
212 patrons (including but not limited to lock, props, and any touchable
213 surfaces) must be thoroughly cleaned using CDC and EPA approved
214 disinfectants.
- 215 d. *Museums and Art Galleries.*
- 216 i. Exhibits requiring contact (for example "please touch" exhibits or other
217 interactive displays) must remain closed.
- 218 e. *Personal Services.*
- 219 i. Staff are required to wear gloves, and any other Personal Protective
220 Equipment as appropriate to their workplace and provided service.

- 221 f. *Pools.*
- 222 i. Must strictly comply with any guidance issued by DHHS.
- 223 g. *Retail Establishments.*
- 224 i. Employees must use any additional Personal Protective Equipment as
- 225 appropriate to their workplace.
- 226 h. *Recreation Centers.*
- 227 **8. Other Businesses, Organizations, Establishments, and Facilities that may open at**
- 228 **25% capacity provided they do not sell or permit food for consumption at the facility.**
- 229 a. *Amusement parks.* Including stand-alone types, such as, but not limited to merry-
- 230 go-rounds and roller coasters.
- 231 b. *Bingo halls.*
- 232 c. *Go-kart tracks.*
- 233 d. *Roller skating rinks.*
- 234 e. *Social Clubs.*
- 235 f. *Theaters.* This Order controls the occupancy and use of theatres in Montgomery
- 236 County at which live performances occur or motion pictures are shown
- 237 (“Theaters”).
- 238 g. *Trampoline Parks.*
- 239 h. Any other establishment not listed above that is subject to the admission and
- 240 amusement tax under Title 4 of the Tax-General Article of the Maryland Code.
- 241 **9. Camps.**
- 242 a. *General Requirements.*
- 243 i. Only campers from Maryland, Virginia, and District of Columbia are
- 244 permitted to attend youth camps in Montgomery County.
- 245 ii. Participants must be separated into groups of 25 participants indoors and
- 246 groups of 50 participants outdoors. Participants include all campers, staff,
- 247 and any volunteers. Participants must not mix with members of another
- 248 group in the camp.
- 249 iii. Must have a COVID Protocol Plan that is approved by the Health Officer
- 250 or the Health Officer’s designee for daily monitoring of the health and
- 251 safety of campers and staff which includes:
- 252 1. A daily COVID-19 symptom and exposure attestation form to be

- 253 completed by campers (or their parent/guardian) and staff. These
254 must be maintained in such a manner so as to preserve
255 confidentiality.
- 256 2. Excluding staff or campers, pursuant to CDC guidance, who have
257 tested positive for COVID-19, are symptomatic, or who have had a
258 known exposure to a confirmed case of COVID-19.
- 259 3. Adopting infection control strategies which include:
- 260 a. Social distancing;
- 261 b. Hand hygiene;
- 262 c. Cough and sneeze hygiene;
- 263 d. Proper use, removal, and washing of cloth face coverings;
- 264 e. Providing policies and education on COVID-19 symptoms
265 and response;
- 266 f. Avoiding the use of items that are not easily cleaned and
267 disinfected;
- 268 g. Ensuring adequate supplies of tissues, hand soap, alcohol-
269 based hand sanitizer, EPA approved cleaning products for
270 COVID-19 disinfection suited for the facility;
- 271 h. Effective cleaning and disinfection of surfaces; and
- 272 i. regularly reviewing and incorporating into the Plan any CDC
273 guidance for youth and summer camps that does not conflict
274 with this Regulation.
- 275 b. *Camp Food Service Operations.*
- 276 i. Camp food service operations must ensure there are no shared items such
277 as serving utensils or condiment containers.
- 278 ii. Must ensure physical distancing for campers waiting for food service and
279 while dining.
- 280 c. *Youth Camp Programming and Training.*
- 281 i. Field Trips and Camp Transportation.
- 282 1. All transportation provided by camps should follow social
283 distancing guidelines for occupants and should prevent mixing of
284 camp groups.

- 285 2. Staff and campers must use face coverings during transportation and
286 when in public areas.
- 287 3. Clean and disinfect vehicles after each use.
- 288 ii. Sports activities.
- 289 1. Limited to groups of 25 participants indoors and groups of 50
290 participants outdoors. Participants include all campers, staff, and
291 any volunteers. Participants must not mix with participants from
292 another group.
- 293 2. Close physical contact during sports activities should be avoided
294 whenever possible and masks must be worn when actively engaged
295 in sports, except as recommended by the [American Academy of](#)
296 [Pediatrics](#).
- 297 3. Equipment must be cleaned and disinfected after each use.
- 298 d. *Residential Camps.* All residential youth camps must implement the following
299 measures in addition to the measures described above:
- 300 i. Each group of campers/staff stays with their sleeping group, do not mix
301 campers or staff among groups for the duration of the session.
- 302 1. Maximum capacity for each sleeping area is groups of 25 adults and
303 campers.
- 304 2. For bunk beds, if both upper and lower beds are occupied, sleep with
305 the top bunk individual's head above the lower bunk individual's
306 feet.
- 307 3. Minimum of 6 feet between each occupied bunk or bed, provide
308 maximum distance between each individual's head.
- 309 4. Complete COVID-19 temperature and symptom screening for staff
310 and campers every morning.
- 311 ii. Residential camps with a COVID-19 positive or probable case will send all
312 campers/staff in the group to their homes or quarantine in place with
313 additional requirements based on consultation with the local health
314 department.
- 315 iii. Clean and disinfect high touch surfaces in bathroom facilities and sleeping
316 quarters daily.

- 317 **10. Graduations.** May occur if the following requirements are met:
- 318 a. *Generally.*
- 319 i. Persons/groups of guests not of the same household must maintain a
320 minimum of 6 feet of social distance at all times, including during any
321 graduate procession.
- 322 ii. All persons present must wear face coverings consistent with paragraph 2
323 of this Regulation.
- 324 iii. All persons present must be included in the numerical attendance totals.
325 This includes students, faculty, staff, workers, vendors, guests, and
326 speakers.
- 327 iv. Any person with a fever or who is exhibiting symptoms of COVID-19, must
328 not attend a graduation ceremony.
- 329 v. A record of all individuals who attended the graduation must be maintained
330 for at least 30 days to assist with contact tracing. Information collected must
331 include name, date, phone number and email (if available). This
332 information must be provided within 24 hours if requested by MCDHHS if
333 a case of COVID-19 associated with the graduation occurs. Seating charts
334 must also be provided if used.
- 335 vi. The school must post the following signage:
- 336 1. At any entrance(s) stating that nobody with a fever or symptoms of
337 COVID-19 is permitted to enter the venue and that individuals must
338 wear a mask or face covering.
- 339 2. Throughout the venue reinforcing social distancing, face covering
340 usage, and hand hygiene policies.
- 341 3. At areas of entry and egress to allow the one-way flow of attendees.
- 342 4. On floors and sidewalks both inside and outside the venue to provide
343 physical guides to ensure individuals remain at least 6 feet apart in
344 queuing areas.
- 345 5. Marking seating arrangements to delineate physically distanced
346 seating.
- 347 vii. Must prohibit congregating or gathering in common areas both inside and
348 outside of the venue before or after the graduation ceremony.

- 349 viii. Prohibit group or staged photography.
- 350 b. *Ceremony.*
- 351 i. Ceremonies must not exceed 2 hours, but the venue may be open for an hour
- 352 in advance and after the ceremony to prevent crowding at points of ingress
- 353 and egress.
- 354 ii. No more than 10 persons must be permitted on the stage at any given time.
- 355 Persons on the stage must be spaced at least 6 feet apart.
- 356 iii. Only single performers/speakers must be allowed (e.g., no choirs or bands)
- 357 during the ceremony.
- 358 1. A minimum of 12 feet must be maintained from the audience if
- 359 performers/speakers are masked.
- 360 2. A minimum of 18 feet must be maintained from the audience if
- 361 performers/speakers are unmasked.
- 362 3. Use of shared objects during the graduation should be minimized
- 363 (e.g. microphones).
- 364 4. Diplomas must be distributed with no handshake or physical
- 365 contact.
- 366 5. No food or beverage service is permitted during ceremonies
- 367 (including concession stands).
- 368 6. If permitted by the venue, guests may bring their own
- 369 beverages/snacks which may only be consumed while seated.
- 370 7. All guests must be seated and remain in their seats throughout the
- 371 ceremony.
- 372 8. Any items handed out to guests must be single use or cleaned and
- 373 disinfected between each guest use (e.g., assisted audio devices).
- 374 c. *Communication and Response.* Schools must develop a comprehensive plan to
- 375 communicate measures in place to prevent the spread of COVID-19 with all
- 376 attendees of the graduation. The plan must:
- 377 i. Identify and address potential language, cultural, and disability barriers in
- 378 the communication plan.
- 379 ii. Communicate COVID-19 policies to staff (including vendors), guests and
- 380 students, (e.g., on school/graduation website, social media sites, prominent

- 381 signage at entrances and throughout the venue, message screens and public
382 announcements before and during the graduation).
- 383 iii. If an attendee becomes sick while at the graduation ceremony, the school
384 must have a protocol in place for that individual to immediately leave the
385 venue. If they are unable to immediately leave (e.g., they need to wait for
386 a ride), there should be a process that allows them to isolate until they are
387 able to leave. People who are sick should go home or to a healthcare
388 facility, depending on the severity of their symptoms. Public transportation
389 should not be used.
- 390 iv. Must identify a point of contact that staff or an attendee can notify if they
391 test positive for COVID-19 within the 2 weeks from the date of the
392 graduation and choose to disclose this information.
- 393 v. In the event of a positive test result, the COVID-19 Point of Contact must
394 notify the Montgomery County Department of Health and Human Services
395 (240-777-1755) within one business day of the notice and provide them
396 with the name and contact information of the positive case.
- 397 vi. Put systems in place to encourage self-reporting.
- 398 d. *Indoor Graduations.*
- 399 i. Total number of persons permitted at an indoor graduation is limited to 25%
400 of the maximum occupancy of the space or 250 people, whichever number
401 is smaller (e.g. if the maximum occupancy of the space is 800, only 250
402 persons must be permitted).
- 403 ii. Must obtain a Letter of Approval prior to the graduation by submitting a
404 COVID-19 Graduation Plan which explains how all of the requirements in
405 paragraphs 10(a) – (c) will be implemented. Any requests for increased
406 occupancy should be made at this time.
- 407 e. *Outdoor Graduations.*
- 408 i. Total number of persons permitted at an outdoor graduation at any one time
409 must not exceed 50% of the Outdoor Venue's Maximum Occupancy. If an
410 Outdoor Venue does not have a formal Certificate of Occupancy, 40 square
411 feet per person must be used to calculate the occupancy limit.

- 412 ii. Schools planning outdoor graduations should put careful thought and
 413 planning into a back-up plan in case of inclement weather. Back-up venues
 414 must meet all the requirements outlined in this guidance.
- 415 f. *Recommendations.* Although not required, the following are strongly
 416 recommended:
- 417 i. Holding multiple smaller graduation ceremonies as necessary, so that all
 418 graduating students can be accommodated while minimizing crowd sizes.
- 419 ii. Holding a virtual graduation or providing a virtual option for persons who
 420 either do not wish to or are unable to attend.
- 421 iii. Use of pre-assigned/reserved seating is recommended.
- 422 iv. Attendance by persons traveling from outside of Maryland, Virginia, and
 423 the District of Columbia is strongly discouraged.

424 **11. Impact of Increased Vaccination.**

- 425 a. Upon the Board of Health's receipt of notification by the Health Officer, or the
 426 Health Officer's designee, that 50% of the population of Montgomery County has
 427 received at least one dose of a vaccination against COVID-19, the following must
 428 automatically occur provided continued face covering usage and social distancing
 429 are strictly followed:
- 430 i. Gathering limits, as stated in paragraph 5 of this Regulation will increase to
 431 50 people indoors and 100 people outdoors.
- 432 ii. Businesses, Organizations, Establishments, and Facilities named in
 433 paragraph 8 may increase to 50% maximum capacity [[provided they do not
 434 sell or permit the consumption of food or drink at the facility]].
- 435 iii. Businesses, Organizations, Establishments, and Facilities named in
 436 paragraphs 7 and 8 may sell and permit the consumption of food and drink
 437 at the facility provided:
- 438 1. Food and drink is only consumed while seated in a socially distant
 439 manner; and
- 440 2. Food and drink are not consumed while standing or walking.
- 441 [[iii.]] iv. Camps, including Youth Camp Programming and Training and
 442 Residential Camps, may increase the number of participants to 50 indoors
 443 and 100 outdoors.

- 444 [[iv.]] v. *Escape rooms may allow 10 people per game, consistent with the*
445 *table limitations present at restaurants.*
- 446 [[v.]] vi. *Museums and Art Galleries may reopen please touch exhibits or*
447 *interactive displays.*
- 448 [[vi.]] vii. *Malls may fully reopen pedestrian concourses and may return tables,*
449 *chairs, benches and other items to indoor areas outside of retail stores.*
- 450 [[vii.]] viii. *Sports:*
- 451 1. *total number of people present for sports played indoors may*
452 *increase to 50 people indoors and 100 people outdoors; and*
- 453 2. *total number of spectators present may increase to 50 spectators*
454 *indoors and 100 spectators outdoors.*
- 455 b. *Upon the Board of Health's receipt of notification by the Health Officer, or the*
456 *Health Officer's designee, that 60% of the population has received at least one dose*
457 *of a vaccination against COVID-19, the following must automatically occur*
458 *provided face covering usage and social distancing are strictly followed:*
- 459 i. *Gathering limits, as stated in paragraph 5 of this Regulation will increase to*
460 *250 people indoors with no limitation outdoors except as would be required*
461 *to comply with social distancing.*
- 462 ii. *Businesses, Organizations, Establishments, and Facilities named in*
463 *paragraphs 7 and 8 may increase to 75% maximum capacity [[and may sell*
464 *and permit the consumption of food and drink at the facility provided:*
- 465 1. *Food and drink is only consumed while seated in a socially distant*
466 *manner; and*
- 467 2. *Food and drink are not consumed while standing or walking]].*
- 468 iii. *Camps may:*
- 469 1. *Increase the number of participants pursuant to the gathering limits*
470 *stated in paragraph 11(b)(i); and*
- 471 2. *Permit campers from outside of Maryland, the District of Columbia,*
472 *or Virginia.*
- 473 iv. *Convention and Banquet Facilities are limited to 50% of the facility's*
474 *maximum occupancy.*
- 475 v. *Cigar Bars, Hookah Bars, Vape Shops may permit smoking outdoors.*

- 476 vi. Foodservice establishments may increase indoor capacity to 75% of their
477 maximum capacity.
- 478 vii. Religious facilities may increase capacity to 75% of the facility's maximum
479 capacity.
- 480 viii. Sports may:
- 481 1. Increase the number of participants and spectators pursuant with the
482 gathering limits stated in paragraph 11(b)(i); and
- 483 2. Engage in play with teams from outside of Maryland, the District of
484 Columbia, and Virginia.
- 485 c. Upon the Board of Health's receipt of notification by the Health Officer, or the
486 Health Officer's designee, that 50% of the population has been fully vaccinated
487 with all required doses of a COVID-19 vaccine, the following must automatically
488 occur provided face covering usage and social distancing continue to be strictly
489 followed:
- 490 i. All conduct and business in Montgomery County may follow any State or
491 MDH requirements that are in place at that time.
- 492 d. If, after a review of the Community Transmission Metrics, the Health Officer
493 determines that the continued automatic relaxation of restrictions is contrary to the
494 public health and could lead to the continued spread of COVID-19 or any associated
495 variant, the Health Officer, or the Health Officer's designee, must notify the Board
496 of Health of those concerns, and any continued relaxation of restrictions must be
497 suspended pending a hearing before the Board of Health.
- 498 **12. Minimal Operations.** Staff and owners may continue to be on-site at any business,
499 organization, establishment, or facility that is required to be closed pursuant to this Order
500 only for the following purposes:
- 501 a. Facilitating remote working (a/k/a/ telework) by other staff;
- 502 b. Maintaining essential property;
- 503 c. Preventing loss of, or damage to property, including without limitation, preventing
504 spoilage of perishable inventory;
- 505 d. Performing essential administrative functions, including without limitation, picking
506 up mail and processing payroll; and
- 507 e. Caring for live animals.

508 [12] **13. Enforcement.** This Order must be enforced by any County department or agency that
509 has authority over the subject matter of any particular provision and the Montgomery
510 County Police Department.

511 [13] **14. Applicability.** This regulation applies Countywide.

512 [14] **15. Severability.** If the application of this regulation or any part of it to any facts or
513 circumstances is held invalid, the rest of the regulation and its application to all other facts
514 and circumstances is intended to remain in effect.

515 [15] **16. Effective Date.** This regulation takes effect on [April 20, 2021] April 27, 2021 at 5
516 p.m.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.,
Clerk of the Council