

INTERPRETIVE GUIDANCE

On Tuesday, May 26, 2020, County Executive Calvin Ball issued Executive Order # 2020-09, which becomes effective on Friday, May 29, at 7:00 am. On Wednesday, May 27, 2020, Governor Hogan issued Executive Order # 20-05-27-01 that, among other things, allowed restaurants and other foodservice establishments that serve food for consumption to engage in the on-premises sale and consumption of food, under certain conditions, effective at 5:00 p.m. on Friday, May 29, 2020.

As a result of the Governor's action, and based on information on the County's criteria for re-opening, the County Executive determined that revising provisions in Executive Order # 2020-09 related to the on-site sale and consumption of food was appropriate. On Friday, May 29, County Executive Ball issued Executive Order # 2020-10, revising certain restrictions relating to consumption of food and beverages during religious services and on-site sale and consumption at outdoor locations at restaurants, bars, and social and fraternal clubs with dining facilities (collectively, "foodservice establishments"). This new executive order becomes effective on Friday, May 29, at 5:00 p.m. This guidance is issued to supplement and provide interpretation of Executive Order # 2020-10. Howard County Executive Orders and Interpretive Guidance can be found here:

<https://www.howardcountymd.gov/Branches/County-Executive/Legislative-Matters>

State executive orders issued by the Governor and interpretive guidance issued by the Governor's Office of Legal Counsel can be found here. <https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/> Executive orders issued by the Governor control, so if the Governor has ordered that certain businesses or activities must remain closed or has ordered that certain restrictions have been put into place, persons must comply with those orders and the County's Executive Orders may not supersede orders issued by the State.

At this time, the Howard County Office of Law recommends that Executive Order # 2020-10 be interpreted as set out below.

I. Religious Institutions.

Executive Order # 2020-09 permitted the resumption of on-site religious services in Howard County, subject to certain conditions, one of which was the prohibition against consuming food or beverages before, during, or after services, including food or beverage that would be used as part of the service.

In light of the Governor's and County Executive's orders permitting limited on-site sale and consumption of food and drink, **the prohibition against consumption of food and drink associated with religious services is now rescinded** by Executive Order # 2020-10. However, persons holding or attending religious services should consider the following:

- If food or beverage are going to be consumed for any reason, persons should comply with social distancing recommendations as consumption would require temporary removal of a mask or facial covering, which could increase the risk of exposure

- Faith leaders should provide clear written guidelines to members regarding the safe distribution and consumption of food or beverage at religious services, including social distancing, frequent disinfection of hands, and use of a mask for facial covering whenever possible
- Sharing of glassware is strongly discouraged

All other provisions related to religious institutions set out in Executive Order # 2020-09 remain in full force and effect. This includes the limitation on indoor services of no more than 10 people and no more than 250 people for outdoor services, restrictions on physical contact, and sanitizing or disinfecting surfaces. In addition, prohibitions included in the Governor’s Executive Order 20-05-27-01 also remain in effect, including the prohibition on large gatherings and other operating requirements. Religious leaders and attendees are encouraged to follow guidelines for religious services and clergy issued by Governor Hogan’s Office of Legal Counsel on April 1, 2020.

II. Foodservice Establishments.

- A. Consistent with State Executive Order # 20-05-27-01, restaurants, bars, and other establishments that sell food and beverages for consumption, including social and fraternal organizations (*e.g.*, American Legion, VFW, and Elks Lodge and similar organizations) that have dining facilities may open for on-site sale and consumption of food and beverages, subject to specified conditions. In addition, foodservice establishments that have been providing carry-out and/or curbside sale of food or beverages may continue to do so, subject to all applicable requirements set out in applicable State and County Executive Orders. **On-site sale and consumption of food is limited to outdoor seating only, and only for those establishments that have existing outdoor seating available for customers.** Guidelines for establishments that do not have existing outdoor seating for customers are currently being developed.
- B. Establishments shall post signs instructing customers to maintain six-foot social distancing between individuals or groups of diners, routes of customer ingress and egress, a prohibition against standing in the dining area, and other measures the establishment employs to promote social distancing and customer safety.
- C. Self-service of food or beverages is prohibited, including self-serve buffets. Food must be served by restaurant staff, who must follow requirements for foodservice staff in County Executive Order # 2020-10 and State Executive Order # 20-05-27-01.
- D. Employees interacting with customers are required to wear face coverings or utilize other protective equipment, such as plexiglass barriers, in keeping with public health guidelines for minimizing the risk of transmission of the COVID-19 virus.

- E. Customers waiting to be seated shall not stand or wait in the area where diners are seated but must, instead, wait outside that area until it is time to be escorted to a table. While waiting, customers must at all times maintain appropriate social distancing of at least six feet from other persons or groups, including those who have been seated and those waiting to be seated. If there is insufficient space to wait outside the dining area, then customers will be asked to wait in another location, such as in their cars, other designated areas on the property where it is safe to wait and maintain social distancing, or off the premises.
- F. All customers shall wear masks or facial coverings when they are waiting to be seated, being escorted to a table or otherwise walking through the seating area, and at all other times except when doing so would interfere with eating or drinking.
- G. Customers are required to be seated at tables in the designated dining area and may not stand or linger while waiting to be seated. Tables shall be placed at least six feet apart and no more than six customers shall be seated at a single table unless the group of diners are members of the same household.
- H. In areas such as outdoor bars, customers shall be seated at least six feet from others. Customers may be seated closer than six feet only if they are part of the same family or group dining together or temporary impermeable barriers, such as barriers made out of plexiglass, are used between guests to keep people or groups of people completely separated from others. For outdoor bars, establishments should ensure that bartenders have places to stand so he or she is at least six feet away from customers when not actively waiting on or serving customers.
- I. If a foodservice establishment that is opening for on-site sale and consumption of food and beverages is also continuing to provide curbside or carry-out services, those operations should be kept separate and set up in a separate location from the on-site dining area. Foodservice establishment managers shall assign different staff to handle on-site dining and curbside pickup or carryout, with no staff crossover. Separate staff shall also be assigned to bus tables, which should not be done by wait staff.
- J. Touchless payment options are preferred. However, in the absence of touchless payment options, staff other than those handling or serving food should be assigned to handle payments. The location of where payments are processed should be incorporated into the plan for ingress and egress and movement of customers and staff through the establishment and dining area with appropriate social distancing.
- K. Hand washing stations shall be set up in an outside area for employee use, who are required to frequently wash their hands while serving or distributing food or performing other duties. Hand-washing stations and/or hand sanitizer should also be readily available for customer use upon their entry into and exit from the dining area and outside the restrooms.

- L. Menus shall be printed and disposed of after a single use. Menus shall not be re-used by other diners or groups of diners at more than one table or by diners who are seated later. Likewise, all condiments shall be provided in disposable containers or packages so they cannot be re-used by other diners.
- M. Foodservice establishments should review and adhere to guidelines and best practices published by the CDC, the FDA, and the COVID-19 Reopening Guidance issued by the National Restaurant Association. Consistent with, or in addition to, these requirements for decontamination and disinfecting surfaces, at a minimum chairs and tables shall be thoroughly cleaned and sanitized between diners.
- N. Foodservice establishments shall ensure that all staff are trained in procedures for minimizing the risk of exposure to the COVID-19 virus in a restaurant setting, including the need for social distancing, appropriate protective equipment, and hygiene and sanitation. Employers are also encouraged to provide training to employees on any special restrictions or measures the foodservice establishment has put into place aimed at minimizing the risk of transmission of the virus.
- O. All foodservice establishment staff shall be screened prior to beginning their shifts. Screening might consist of voluntary temperature checks and screen questions such as whether they have been ill, have a fever, or may have been exposed to someone known to have COVID-19. **Staff shall be instructed that if they feel ill or have a fever they are prohibited from coming to work or must go home if they fall ill at work.** If management of a foodservice establishment becomes aware of staff that are confirmed COVID-19 positive, they shall contact the Health Department through the warm line (410) 313-6284 so any needed follow-up can occur. The Governor's guidance on screening can be found here:
<https://commerce.maryland.gov/Documents/BusinessResource/Restaurants-bars-COVID-19-Best-Practices.pdf>
- P. Restrooms shall be frequently cleaned and sanitized. Customers using foodservice establishment restrooms are required to wear masks or facial coverings when walking through the establishment to and from the restrooms. Customers shall not be permitted to wait in line or congregate either in or outside of restrooms and foodservice establishments must have a plan in effect for management of customers waiting to use restrooms to ensure proper social distancing.
- Q. All breakrooms and other common areas where employees may congregate should be frequently cleaned and sanitized. Managers are encouraged to prohibit employees from eating in these areas, which would require removal of masks or facial coverings in areas where other employees may be in close proximity. Managers are also encouraged to adopt procedures that would keep the number of employees in these areas at any one time to a minimum.

III. Barber Shops and Hair Salons.

Maximum occupancy for barber shops and hair salons shall be calculated by dividing the square footage of the premises by 100. The calculation used for maximum occupancy in Executive Order # 2020-09 is rescinded. All other provisions of Executive Order #2020-09 relating to barber shops and hair salons remain in full force and effect.

IV. General Operating Guidelines.

- A. Businesses, organizations, and establishments permitted to be open should be familiar with and apply all guidelines issued by the CDC, the Maryland Department of Health, and other applicable industry guidelines for combating transmission of or exposure to the COVID-19 virus.
- B. Vulnerable populations and individuals with medical conditions that may put them at greater risk are strongly encouraged to continue to avoid situations where they may come into contact with others outside their households, particularly where larger numbers of people are present for extended periods of time.
- C. Unless rescinded, amended, or modified by County Executive Order # 2020-10, all provisions of County Executive Order # 2020-08 and 2020-09 remain in full force and effect.

**This Interpretive Guidance may be 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.*