



Explanation of Health Officer's Order for Public Safety requiring face coverings for employees and shoppers at retail businesses

April 15, 2020

On April 14, Dr. Nilesh Kalyanaraman, M.D. issued an Order for Public Safety based on his authority as the Anne Arundel County Health Officer under the Maryland Code and as delegated pursuant to several executive orders by Governor Larry Hogan. The order is effective beginning April 15, 2020.

The order requires both customers and employees of retail establishments designated as essential and allowed to remain open by Governor Hogan to wear face coverings to prevent the spread of the COVID-19 coronavirus. The order also requires these retail establishments to make certain modifications to store operations in order to enhance social distancing.

The Department of Health has guidance for wearing masks and face coverings here: <https://aahealth.org/facemasks/>

The order is enforced by the county Department of Health. A retail establishment that does not comply with the order or serves customers not wearing face coverings will be warned and then may be partially or fully shut down by the health officer if the business does not take corrective action. The manager of a business that fails to comply could also face a criminal charge by police that carries a maximum penalty of up to 1 year imprisonment and/or \$5,000.

A customer that refuses to wear a face covering can also be charged criminally with a misdemeanor that carries a fine of up to \$500, although the county does not intend to use this authority to charge individuals.

Additionally, if a customer who is violating the order is requested to leave the retail establishment by an employee or manager and refuses to do so, they could be charged with trespassing. This is a charge that carries a maximum fine of \$500 and/or up to 90 days in prison.

Frequently Asked Questions (FAQ)

What is a face covering?

A face covering can be a cloth mask or any other material that covers the face. A surgical grade or N95 mask is not required.

Who is required to wear face coverings?

Employees of any retail establishment that come into contact with the public or coworkers, and shoppers in those establishments over two years old.

Is a face covering required where an individual would have breathing difficulties if worn?

No, a face covering is not required if wearing one would inhibit an individual's health. A doctor's note is not required.

What is included as a retail establishment?

A retail establishment is any essential business permitted to remain open under the Governor's orders, where shoppers come to procure a product. This includes all food service restaurants and shops, and includes businesses that offer carryout or curbside delivery. Businesses that provide a service but do not sell product, such as an accountant or engineer, are not considered retail businesses. If a vendor is required to collect sales tax, or sells items exempt from sales tax like groceries, it is considered a retail business.

If you have questions about whether a business is considered retail in regards to this order, please contact the Health Department at 410-222-7256 or covid19info@aacounty.org

The intent of the order is to require any employee or customer that comes within six feet of each other to be protected by a face covering and to ensure that social distancing recommendations inside a retail establishment are maintained, that customer capacity is reduced by 50%, and that hand washing facilities are accessible to customers and employees.

What if I need to go shopping but I do not have a mask?

The intent of the order is to prevent the spread of coronavirus by covering your mouth and nose. If you do not have access to a mask, improvise by using a bandana, t-shirt or other item that can serve as a face covering. The Health Officer has a 3-minute instructional video here: <https://www.facebook.com/watch/?v=666286680834926>

Does a face shield qualify as a face covering?

Face shields are intended for the health care setting and are most effective when worn with a mask or other face covering. Wearing a face shield alone does not qualify as a valid face covering. The health department does not recommend wearing a face shield for routine day to day activities.

If I witness a violation or have a question, who should I contact?

Please call the Department of Health at 410-222-7256 or email them at covid19info@aacounty.org.