

Maryland Issues Stay-At-Home Order; Travelers Into Maryland Ordered To Self-Quarantine

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Maryland Governor Larry Hogan has signed a new [Executive Order](#) (Order) that mandates all individuals living in Maryland to stay at home unless they work in “Essential Businesses,” are engaged in “Essential Activities,” or are engaged in other limited activity. The Order went into effect at 8:00 p.m. on March 30, 2020, and will remain effective until after the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

The Order is designed to ensure that the maximum number of people are in the state self-quarantine to prevent the spread of the coronavirus (COVID-19), while enabling essential business and activities to continue.

In connection with the announcement of the Order, Governor Hogan stated that people traveling into Maryland from anywhere outside of Maryland are required to self-quarantine for 14 days. Interpretive Guidance [COVID19-08](#), which the Office of Legal Counsel issued on March 30, 2020, clarifies that the requirement for travelers into Maryland to self-quarantine does not apply to people who regularly commute into Maryland from an adjacent state or the District of Columbia or vice versa, or to people transiting through Maryland who have only minimal contact with Maryland (*i.e.*, only stopping for fuel, food, or other necessary supplies, not making contact with anyone for more than three minutes at a distance of less than six feet). Commuters must follow federal and state health department guidance regarding self-quarantining (for example, because of recent travel to the New York/Tri-State area) even if not required to self-quarantine under the new Maryland requirement.

Essential Activities

As part of the Order, all non-essential business and operations must cease (with limited exceptions for staff and owners, see below), and individuals may not leave their residences except for the following permitted activities:

- **Obtaining Items to Continue to Self-Quarantine:** Obtaining necessary services or supplies for one’s self, family, household members, pets, or livestock including, but not limited to, groceries and food, household consumer products, supplies need to work from home, laundry, and products necessary to maintain the safety, sanitation, and essential maintenance of the home;
- **Seeking Medical Care:** Engaging in activities that are essential for the health and safety of one’s self, family, household members, pets, or livestock, including things like seeking medical or behavior health or emergency service, and obtaining medication or medical supplies;
- **Caring for Others:** Caring for a family member, friend, pet, or livestock in another household or location, including, but not limited to, transporting a family member,

friend, pet, or livestock animal for essential health and safety activities, and to obtain necessary supplies and services;

- **Obtaining Items for Distance Learning**: Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;
- **Exercising**: Engaging in outdoor exercise activities, such as walking, hiking, running, or biking, but only in compliance with applicable social distancing guidance; or
- **Travel by Government Officials**: Travel that is required by a law enforcement officer or court order, or traveling to and from a federal, State, or local government building for a necessary purpose.

Interpretive Guidance [COVID19-08](#) clarifies that providing in-home care for children, senior citizens, or persons with special needs is considered an essential activity under the Order.

Essential Businesses Exempt from Stay-at-Home Order

As we noted in our previous [Client Alert](#), the Office of Legal Counsel, drawing on the [CISA Guidance](#) regarding the essential critical workforce, published lists of specific essential businesses that may remain open. For the full lists of essential businesses, see Interpretive Guidances [COVID19-04](#), [COVID19-05](#) and [COVID19-06](#).

The Order specifically allows staff and owners of essential businesses to travel between their homes and those businesses and organizations, as well as to and from customers for the purpose of delivering goods or performing services.

Employer Documentation for Employees Commuting to and from Work

Interpretive Guidance [COVID19-08](#) notes that employers who are permitted to remain open (to any degree) may wish to provide a letter to employees who must commute to and from work. Such a letter will help employees establish their need to travel if challenged by authorities. The suggested content for the letter includes:

- The name and address of the employee;
- The name and address of the employer;
- The nature of the employee's work;
- A brief statement of why the employer remains open for business; and
- A signature and contact information for the employer.

Staff and Owner Access to Non-Essential Businesses

The Governor's Order also clarifies that staff and owners of non-essential businesses may continue to be on-site, but for only the following purposes:

- Facilitating remote working ("telework") by other staff;
- Maintaining essential property;
- Performing essential administrative functions, including, but not limited to, picking up mail and processing payroll;
- Preventing loss of, or damage to property, including, but not limited to, preventing spoilage of perishable inventory;
- Caring for live animals; or

- In the case of non-essential businesses that are retail establishments, continuing to sell retail products on a delivery basis.

Curbside Pickup at Non-Essential Businesses No Longer Permitted

On March 30, 2020, the office of Legal Counsel also issued Interpretive Guidance [COVID19-07](#) which, in line with the Governor's Order, prohibits curbside pickup at non-essential businesses, (although non-essential businesses may continue to sell products on a delivery basis). Previously, curbside pickup was permitted at non-essential businesses.

Notably, as Interpretive Guidance [COVID19-08](#) makes clear, restaurants and bars are not classified as non-essential businesses and, therefore, may continue to sell food and drink on a carry-out, curbside, or drive-through basis.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers in this difficult time. If you need guidance in handling the complicated issues pertaining to COVID-19 and related business closures, please contact a Jackson Lewis attorney to discuss.

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