

Maryland Phase Two Reopenings: Indoor Dining, Malls, Gyms

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Maryland Governor Larry Hogan has signed a new [Executive Order](#) (EO) reopening indoor dining, amusement parks, malls, indoor fitness centers, and other specified businesses, subject to limitations and local regulation.

Pursuant to the EO, on June 12, 2020, indoor dining was permitted to resume, and certain outdoor recreational establishments (see below) were permitted to reopen on June 19, 2020, malls, certain indoor recreational establishments (see below), indoor fitness centers, and certain gaming facilities were allowed to reopen.

These changes represent the second level of business reopenings within phase two of the Governor's [Maryland Strong: Roadmap to Recovery](#). (See our articles, [Maryland Enters Phase Two: Non-Essential Retail Reopens with Restrictions](#), [Maryland Governor Outlines Phased Reopening Plan Post-COVID-19 Shutdown](#), and [Maryland Begins to Gradually Reopen Its Economy](#).)

Businesses That Can Reopen

Pursuant to the EO, on June 12, 2020, the following businesses, which were previously prohibited from reopening, were permitted to reopen:

- Indoor dining at restaurants, but only up to 50% capacity and subject to the following restrictions:
 - Staff must wear face coverings;
 - Food cannot be served in buffet format;
 - Customers can be served only if seated; and
 - Businesses must clean and disinfect each table between each seating in accordance with Centers for Disease Control and Prevention (CDC) and Maryland Department of Health (MDH) guidance.

Restaurants providing outdoor dining also must comply with the above requirements.

- Certain outdoor recreational establishments, including amusement parks, miniature golf establishments, and go-kart tracks, subject to applicable MDH [guidance](#).

Also pursuant to the EO, on June 19, 2020, the following businesses, which were previously prohibited from reopening, were permitted to reopen:

- Shopping centers (*i.e.*, malls) that have one or more enclosed pedestrian concourses, subject to applicable MDH [guidance](#);
- Certain indoor recreation establishments, including bingo halls, bowling alleys, pool halls, roller and ice skating rinks, and social clubs, but only up to 50% capacity and subject to applicable MDH [guidance](#);

- Indoor fitness centers, including health clubs, health spas, gyms, aquatic centers, and self-defense schools, but only up to 50% capacity; and
- Certain gaming facilities, including MGM National Harbor, Live! Casino & Hotel; Horseshow Casino Baltimore; Hollywood Casino Perryville; Oceans Downs Casino; Rocky Gap Casino Resort; and all simulcast betting facilities in Maryland, but only up to 50% capacity and subject to applicable MDH [guidance](#). (Additionally, the following establishments may reopen for racing and “other customary operations,” but *not* to the general public and only up to 50% capacity and subject to applicable MDH [guidance](#): Laurel Park; Pimlico Race Course; Timonium Race Course; Fair Hill Races; Rosecroft Raceway; and Oceans Downs.)

These businesses join a growing list of other businesses that were allowed to reopen in recent weeks. See our article, [Maryland Enters Phase Two: Non-Essential Retail Reopens with Restrictions](#), for a list of these businesses.

Operational Guidelines for All Businesses Permitted to Open

Pursuant to the EO, and consistent with the Governor’s previous orders, the above types of reopened businesses, organizations, establishments, and facilities:

1. Must comply with applicable social distancing guidelines published by the CDC and MDH; and
2. May require their customers over the age of two, visitors over the age of two, or staff to wear face coverings and, if so, must post signage at each entrance advising customers, visitors, or staff about its face covering requirement.

Retail establishments that were open during the Stay-At-Home Order (*i.e.*, grocery stores, pharmacies, liquor stores, public transportation, and restaurants serving takeout) must continue to comply with the Governor’s April 15, 2020, [Executive Order](#) requiring face coverings and physical distancing measures. (For details, see our article, [Maryland Mandates Face Coverings at Retail Stores, On Public Transportation under COVID-19 Emergency](#).)

Businesses That Must Remain Closed

Pursuant to the EO, senior centers and live and motion picture theaters (with respect to indoor entertainment) must remain closed. Staff and owners at these closed businesses can continue to be on-site to conduct minimal operations, such as facilitating remote work by other staff, maintaining essential property, preventing loss of or damage to property, performing essential administrative function, and caring for live animals.

The EO strikes the Governor’s previous prohibition on social, community, recreational, leisure, and sporting gatherings and events of more than 10 people.

Flexibility for Local Jurisdictions

In line with previous orders, the EO provides a flexible and community-based approach to reopening. County leaders are allowed to make decisions on the timing of reopening in their individual jurisdictions.

While most jurisdiction in Maryland followed the Governor’s phase two reopening timeline, [Baltimore City](#) and [Montgomery County](#) delayed their phase two reopenings until June 19, 2020. Similarly, [Prince George’s County](#) entered a modified phase two

reopening on June 15, 2020.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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