



1001 E. Fayette Street • Baltimore, Maryland 21202

Brandon M. Scott, Mayor

Letitia Dzirasa, M.D., Commissioner of Health

HEALTH COMMISSIONER UPDATED DIRECTIVE AND ORDER FOR FACE COVERINGS

August 10, 2021

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by the Governor of Maryland 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 and October 30, 2020, November 25, 2020, December 23, 2020, January 21, 2021, February 19, 2021, March 18, 2021, April 16, 2021, May 12, 2021, June 12, 2021 and July 12, 2021 to control and prevent the spread of COVID-19 within the state, and the state of emergency and the catastrophic health emergency still exists;

WHEREAS, on March 19, 2020, Mayor Bernard “Jack” C. Young of Baltimore City declared a State of Emergency for Baltimore City due to the spread of COVID-19, which is still in place;

WHEREAS, the Health Commissioner for Baltimore City has authority pursuant to COMAR 10.06.01.06, Section 4-404 of the Baltimore City Health Code to take actions necessary to protect the health of the citizens of Baltimore City;

WHEREAS, as of August 4th, 2021, the percentage of new COVID-19 cases has increased approximately 374% in the last four weeks and positivity has increased by 271% in the past four weeks, indicative of rapidly increasing virus transmission and the highly transmissible B.1.617.2 (“Delta”) variant continues to spread at a rapid pace and represents the dominant strain in Maryland;

WHEREAS, according to the Centers for Disease Control and Prevention (“CDC”), Delta is different from previous strains in that it is highly contagious, and may be as transmissible to others from vaccinated individuals as it is from unvaccinated individuals supporting more rapid community spread despite vaccination;

WHEREAS, to maximize protection from the Delta variant and prevent possibly spreading it to others, CDC has recommended that both vaccinated and unvaccinated individuals wear a mask indoors in public, if you are in an area of substantial or high transmission;

WHEREAS, Baltimore City has been identified as an area of substantial or high transmission by the CDC;

WHEREAS, pursuant to the authority set forth above and finding it necessary for the prevention and control of 2019 Novel Coronavirus (“COVID-19”) and for the protection of the health and safety of

individuals in Baltimore City, Maryland, the Health Commissioner for Baltimore City is issuing this health order requiring face coverings be worn indoors as set forth herein.

NOW THEREFORE, I, Letitia Dzirasa, M.D., the Health Commissioner for the City of Baltimore, by virtue of the authority found in COMAR 10.06.01.06 and Section 4-404 of the Baltimore City Health Code, do hereby proclaim and order on this 5th day of August, 2021:

I. Face Coverings.

A. Requirement to Wear Face Coverings.

1. Except as provided in Section B below, all persons in Maryland over the age of two (2) years old are required to wear a face covering when they are:
 - i. in or on any Public Transportation or School Bus;
 - ii. indoors at any location other than a private home, including without limitation, Religious Facilities, Retail Establishments, Foodservice Establishments, Fitness Centers, Gaming Facilities, the Indoor Areas of Racing Facilities, Indoor Recreation Establishments, Personal Services Establishments, and Indoor Venues;
 - iii. obtaining healthcare services, including without limitation, in offices of physicians and dentists, hospitals, pharmacies, and laboratories;
 - iv. engaged in work in any area where:
 - a. interaction with others is likely, including without limitation, in shared areas of commercial offices; or
 - b. food is prepared or packaged; and
 - v. indoors in any portion of a School where interaction with others is likely, including without limitation, classrooms, hallways, cafeterias, auditoriums, and gymnasiums.
2. Single-use face coverings shall be properly discarded in trash receptacles. It is recommended that all reusable face coverings be cleaned frequently (at least once per day).

B. Exceptions. Paragraph A does not require persons to wear face coverings:

1. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;

2. to the extent wearing a face covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
3. if wearing a face covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;
4. to the extent wearing a face covering would make it impossible to receive services requiring access to the face, mouth, or head, including without limitation, dental care, shaving, and facial treatments;
5. while consuming food or beverages;
6. while swimming;
7. while operating any Public Transportation conveyance, provided that the person is (i) the sole operator of the conveyance, and (ii) located in a separate compartment that is off-limits to riders;
8. to the extent it is necessary to observe the person's entire face to verify such person's identity for bona fide security purposes;
9. children ages two (2) to five (5) where the wearing of a face covering is not feasible; or
10. performers, while engaged in live performances, to the extent that wearing a mask is not feasible given the activity of the performer.

II. **Right of Entry/Enforcement and Penalties.** Failure to abide by the Health Order may subject those in violation to the following:

A. Failure to Comply with Notice or Order.

1. Pursuant to Section 2-107 of the Baltimore City Health Code, the Commissioner may, at all reasonable times, enter any structure or premises within the City to inspect the structure or premises whenever the Commissioner has reason to believe that a health hazard, nuisance, or violation of an Order of the Commissioner exists in that structure or premises.
2. Pursuant to Section 2-205 of the Baltimore City Health Code, no person may knowingly obstruct, resist or interfere with Commissioner or any officer or employee of the Health Department while carrying out their powers or duties.

3. Pursuant to Section 2-207 of the Baltimore City Health Code, no person may refuse, neglect or otherwise fail to comply with any order or notice issued by or under the authority of the Health Commissioner.
4. Pursuant to Sections 2-211 and 2-213 of the Baltimore City Health Code, any person who violates a Health Order issued by the Commissioner is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$200 for each offense, plus \$50 for each day the offense continues.

B. Nuisance.

1. Pursuant to Section 5 of the Baltimore City Health Code, the Commissioner may issue a notice of potential nuisance in the event of any health and safety hazard.
2. Failure to correct the nuisance could result in the issuance of a citation and could be found guilty of a misdemeanor and subject to a fine of not more than \$1000 for each offense.

III. General Provisions.

- A. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.
- B. This Order is EFFECTIVE immediately.

THIS ORDER IS ISSUED UNDER MY HAND THIS 10th DAY OF AUGUST, 2021.



Letitia Dzirasa, MD, Baltimore City Health Commissioner