

Updated: Business Closure and Minimal Operations Guidance

We have received numerous questions about what businesses may remain open, and which businesses must close or alter services. The following is intended to provide guidance on how to make such determinations. Please understand that such determinations should be made primarily by the business acting responsibly and in good faith, secondarily by local officials, and lastly by the state.

Businesses Addressed Specifically in the Governor's Orders/Guidance or Local Officer: If a business is mentioned specifically in the governor's orders or guidance or by a local health officer as subject to closure or to a specific manner of operation, the business must abide by the order. The governor's orders and guidance can be found here: governor.maryland.gov/covid-19-pandemic-orders-and-guidance/.

Businesses Not Addressed Specifically in the Governor's Orders/Guidance or Local Officer: If a business is not addressed specifically in the governor's orders or guidance or an order of the local health officer, the business should refer to the federal Homeland Security guidelines regarding "essential services." The federal guidance can be found here: cisa.gov/publication/guidance-essential-critical-infrastructure-workforce. Any business that appears on this list can remain open but must operate in accordance to all federal and state guidelines (e.g., crowd size, social distancing, etc.).

Businesses Not Addressed by the Governor, Local Health Officer or Federal Guidance: If a business is not a specific subject of the governor's orders or guidance, an order of the local health officer, or the federal guidance, the business must close to the general public. However, such businesses may continue to operate in a manner that does not engage the general public (e.g., delivery services). Further, such businesses can maintain minimal levels of activity within their physical facilities, enough to ensure continuity of operations (e.g., mail room, accounting, and security), but may not provide curb-side or in-person service. Mixed retail businesses should cease the sale of all non-essential goods and services.

Unclear Situations: If status is still unclear after review of the governor's orders/guidance and federal guidance, business owners should make a good-faith determination about whether the business is essential to public health and safety based on: (a) The order's purpose: "reduce the threat to human health caused by the transmission of the novel coronavirus in Maryland, and to protect and save lives," and (b) How similar businesses, facilities and organizations are treated under the orders/guidance.

Please refer to the Commerce **FAQ** sheet for further guidance.