



OFFICE OF LEGAL COUNSEL

## INTERPRETIVE GUIDANCE

**Number:** COVID19-11

**Date:** April 20, 2020

**Re:** Order of the Governor of the State of Maryland, Number 20-03-30-01, dated March 30, 2020, Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, Additionally Requiring All Persons to Stay at Home

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At this time, the Office of Legal Counsel (“OLC”) recommends that the Administration interpret the above-referenced Order as follows:

1. **Barber Shops and Salons are Generally Closed.** Pursuant to paragraph III.g of the Order, barber shops and beauty salons (“Barbers/Salons”) are required to remain closed. However, OLC recommends that enforcement action not be taken against Barbers/Salons that provide services to employees (“Customers”) of businesses and organizations that are not required by the Order to close (“Employers”), provided that the following conditions are adhered to:
  - a. The Barber/Salon may only provide services to Customers on an appointment basis, i.e., walk-in services are not permitted. The Barber/Salon may only allow one Customer in the establishment at a time.
  - b. The services performed must be necessary for the Customer to meet grooming standards established by the Customer’s Employer.
  - c. The Customer must provide the Barber/Salon with written documentation of the Employer's grooming standards. Such documentation may include, but is not limited to, a letter from the Employer or a copy of the Employer’s policy establishing the grooming standards. The Barber/Salon must retain a copy of the documentation.
  - d. Both the Customer and Barber/Salon staff must wear Face Coverings, in accordance with the Order of the Governor of the State of Maryland No. 20-04-15-01, dated April 15, 2020, except to the extent that a Face Covering on the Customer would make it impossible for services to be performed.
  - e. After each Customer, the Barber/Salon must clean and disinfect the area where services were performed in accordance with applicable guidance from the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health.
  - f. The Barber/Salon must obtain telephone contact information for each Customer. If any staff of the Barber/Salon test positive for COVID-19, the Barber/Salon shall promptly notify all Customers who received services in the 14-day period immediately preceding the date on which the Barber/Salon is notified of such test results.

It is generally assumed that this enforcement recommendation will be used for military personnel, first responders and other essential workers required to maintain certain, well-documented grooming standards as part of their profession, or where ungroomed hair could pose a safety risk.

2. **Clarification Regarding Effect of Interpretive Guidance.** In all cases, orders of the Governor of the State of Maryland take precedence over any Interpretive Guidance issued by OLC. Specifically, but without limitation, paragraph 6 of Interpretive Guidance COVID19-01 (allowing Barbers/Salons to remain open) was nullified by paragraph IV.g of Order No. 20-03-23-01 (requiring Barbers/Salons to close).