

## Saying Goodbye to Maryland's Mask Mandate: Now what?

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On Friday, May 14, 2021, Governor Hogan announced changes to Maryland's mask mandate, which took effect on Saturday, May 15, 2021. Under Governor Hogan's executive order, individuals are no longer required to wear masks, inside or outside, except when they are:

1. in or on any Public Transportation or School Bus;
2. obtaining healthcare services, including without limitation, in offices or physicians and dentists, hospitals, pharmacies, and laboratories, and
3. indoors in any portion of a School where interaction with others is likely, including, without limitation, classrooms, hallways, cafeterias, auditoriums, and gymnasiums.

Many Maryland counties have advised that they will follow Governor Hogan's order and not impose any additional mask restrictions. In contrast, some jurisdictions, such as Baltimore City, have kept their mask mandates in place.

While individuals are no longer required to wear masks under Maryland law, the CDC has recommended that individuals who are not fully vaccinated against the coronavirus should continue to wear masks and practice social distancing (where possible) when inside or when outside and engaging in any of the following behavior:

1. Attending a small outdoor gathering with fully vaccinated and unvaccinated people;
2. Dining at an outdoor restaurant with friends from multiple households;
3. And attending a crowded outdoor event, like a live performance, parade, or sports event.

While Governor Hogan's order does not distinguish between vaccinated and unvaccinated individuals, the CDC does. The CDC still recommends that unvaccinated individuals wear a mask most of the time to protect themselves. Now that Governor Hogan has limited the mask mandate, Employers must determine what policies and procedures make the most sense for their workforce. While, under Equal Employment Opportunity Commission (EEOC) guidance, employers can ask employees to verify whether they are fully vaccinated, the administrative burden will likely be too much for most employers. However, if employers are unaware of the vaccination status of their workforce, they are left to either continue a mask mandate in the office to protect unvaccinated employees or implement policies allowing employees to go maskless and encouraging unvaccinated employees to wear a mask to protect themselves.

Putting the onus on each individual to act according to their vaccination status is likely how many employers will move forward. However, in doing so, it is vital for employers to thoroughly inform their employees of the current guidance and make it clear

that employees, regardless of vaccination status, may still wear masks and practice social distancing. Additionally, regardless of whether employers decide to require masks or ditch mask-wearing, they need to pay close attention to what other policies they need to keep, such as quarantine requirements for unvaccinated employees and reporting policies.

Ultimately, employees should explore their options and develop a clear and comprehensive policy letting employees know what the company expects and how to keep themselves safe. It is also crucial that employers continue to pay close attention to local rules and mandates.

**Questions about this or any other legal matter, please contact Sarah at [Sarah.Sawyer@offitkurman.com](mailto:Sarah.Sawyer@offitkurman.com).**