

**BOARD OF HEALTH
FOR
FREDERICK COUNTY, MARYLAND**

REGULATION NO. BOH 02-2021

THE EFFECTIVE DATE OF THIS REGULATION IS
DECEMBER 31, 2021, 5:00 p.m.

RE: Board of Health Regulation requiring face coverings

RECITALS

Maryland Code Health-General Article §3-201 provides that the County Council and County Executive are, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.

Maryland Code Health-General Article §3-202(d) authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.

The County Council and County Executive, sitting as the Board of Health, finds after hearing the testimony and other evidence presented that the wearing of face coverings are necessary to protect the health of residents in the County.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Health of Frederick County, that the following regulation is adopted:

Requirement of face coverings

(A) FACE COVERINGS.

- (1) **Face Covering** means a covering that fully covers a person's nose and mouth and is secured to the person's head, including without limitation, scarves, bandanas, and plastic full-face-shields.

(2) **Requirement to Wear Face Coverings.** All persons aged 5 (five) years and older are required to wear a face covering in all indoor public spaces accessible to the public where the person is unable to consistently maintain at least six (6) feet of distance from individuals who are not members of their household.

(3) **Exceptions.** Paragraph (A)(2) does not require a person to wear a face covering:

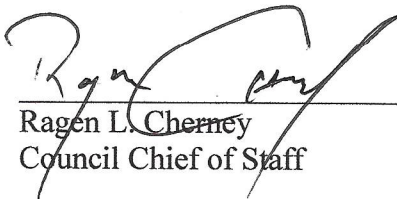
- (a) If, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
- (b) to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
- (c) 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;
- (d) 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;
- (e) while consuming food or beverages;
- (f) while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk;
- (g) while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders; or
- (h) to the extent it is necessary to observe the person's entire face to verify such person's identity for bona fide security purposes.

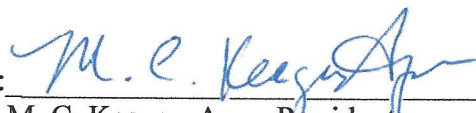
- (B) **APPLICABILITY.** This regulation applies Countywide, including all municipalities except within the corporate boundary of Mount Airy, Maryland located within Frederick County.
- (C) **SEVERABILITY.** If the application of this regulation or any part of it to any facts or circumstances is held invalid, the rest of the regulation and its application to all other facts and circumstances is intended to remain in effect.
- (D) **EFFECTIVE DATE.** This regulation takes effect at 5:00 p.m. on December 31, 2021, and shall remain in effect until positive Covid-19 cases in Frederick County fall below 20 per 100,000 population or this regulation is superseded, amended, or revised by additional Board of Health Regulation.

The undersigned hereby certifies that this Regulation was approved and adopted on the 31st day of December, 2021.


ATTEST: SITTING AS THE FREDERICK COUNTY BOARD OF HEALTH:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


Ragen L. Cherney
Council Chief of Staff

By: 
M. C. Keegan-Ayer, President

COUNTY EXECUTIVE OF
FREDERICK COUNTY, MARYLAND


Rick Harcum
Chief Administrative Officer

By: 
Jan H. Gardner, County Executive