



**Board of Health Regulation to prevent the spread of COVID-19 in the County,
Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and
Other Covered Establishments
Montgomery County Council sitting as the Montgomery County Board of Health
January 18, 2022**

Position: Unfavorable

Background: Individuals would have to show proof of vaccination against COVID-19 in order to enter certain public locations in Montgomery County.

Comments: The Maryland Retailers Association (MRA) has concerns about the impact of and precedent that would be set by the restrictions proposed in this resolution. MRA represents businesses of all sizes and of various industries, including all businesses located in officially designated Main Streets. While we appreciate the exemption for essential businesses like grocery stores and other retailers, this proposal could have a grave impact on restaurants and other entertainment venues.

The COVID-19 pandemic has had a devastating impact on businesses. Despite sensationalized media narratives that certain retailers saw increased sales during the first year of the pandemic, we know that these exaggerated claims do not apply to most businesses. Of the businesses that were able to survive the last two years, small entities report that their sales have not yet returned to pre-pandemic levels. Financial assistance, if any, that these businesses were able to receive from the state and federal government merely allowed them to keep from closing their doors for good and did not have a lasting impact on their short or long-term revenue.

Businesses that made it through 2021 are continuing to face a variety of hurdles including product delays, supply chain issues, and labor shortages, all impacting their ability to remain open and serve their communities. Operational costs have continued to rise in tandem with dropping revenue. Downtowns and commercial shopping and dining districts remain in a fragile state, and steps should be taken to retain safe and normal operational models.

As local governments consider their next approach to combat COVID-19 surges, we strongly urge you to push for (rather than mandate) personal responsibility and appropriate choices by individuals, employers, employees, and consumers as we believe this represents the long-term path forward. One-size-fits-all mandates are especially challenging to small businesses, and government-imposed directives that may work for larger businesses often harm small independents the most. Decisions regarding worker and customer safety, including vaccination mandates or enforcement, should be made by employers in close consultation with their workforce to find the appropriate level of safe and efficient operations.

Finally, business employees should not be held responsible for upholding local mandates such as masking or vaccination requirements, and we would urge you to remember the workers across the country who were killed or seriously injured in 2020 by shoppers who did not believe in the legality of government-imposed masking or distancing mandates. Government-imposed mandates, including for masking, vaccinations, or vaccination status policing, could have a direct negative impact on these businesses. Furthermore, the validity of any document shown to prove either vaccination status or exemption can be highly difficult to verify. Any policy that places enforcement responsibilities on individual businesses and directly impacts the operations of businesses should be accompanied by appropriate government compensation for lost sales and increased compliance and operating costs through direct grants and tax relief.

We would urge the Council to seriously reflect on the impact that this proposal could have on the local business community. Thank you for your time and consideration.