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STATE OF MARYLAND  
**BOARD OF LIQUOR LICENSE COMMISSIONERS**  
FOR BALTIMORE CITY  
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**Date:** September 4, 2020 (**Guidance in Effect from September 4, 2020 5 pm to September 8, 2020 at 5 pm**)  
**Re:** Guidance for Baltimore City’s licensed establishments concerning Baltimore City Mayor Bernard C. “Jack” Young’s Mayoral Executive Order allowing for the Partial Reopening of Restaurants and Bars for Indoor and Outdoor Dining and Gatherings issued on August 7, 2020 in light of Executive Order 20-09-01-01 issued by Governor Lawrence J. Hogan and Maryland Department of Health Order 2020-09-01-01 issued by Secretary Robert R. Neall.  
**From:** Board of Liquor License Commissioners for Baltimore City (BLLC)

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To provide revised guidance to licensed establishments within the City of Baltimore, the BLLC requests that all applicable licensees adhere to the following guidelines to ensure compliance with Mayor Young’s Mayoral Executive Order issued on August 7, 2020 in light of Executive Order 20-09-01-01 issued by Governor Lawrence J. Hogan and Maryland Department of Health Order 2020-09-01-01 issued by Secretary Robert R. Neall:

1. **Given Executive Order 20-09-01-01 issued by Governor Hogan can I expand my indoor dining capacity to 50% of the maximum occupancy allowed?**
  - a. **No.** As per Mayor Young’s Executive Order issued on August 7, 2020, which is still in effect, indoor consumption of alcoholic beverages or food within a licensed establishment **is still limited to 25% of the maximum occupancy load** of the establishment as determined by the Baltimore City Fire Department.
2. **Given Maryland Department of Health Order 2020-09-01-01 issued by Secretary Robert R. Neall is live entertainment and adult entertainment allowed within the City of Baltimore at licensed establishments?**
  - a. **Yes.** Maryland Department of Health Order 2020-09-01-01 issued by Secretary Robert R. Neall rescinds the prohibited on live and adult in-person adult entertainment. **However, to be open and operating live and adult entertainment establishments must also be considered a Foodservice Establishment (i.e. it must have a kitchen that allows for foods to be prepared and consumed on-premises and must comply with the August 7, 2020 Mayoral Executive Order).** In addition, the establishment must ensure that protocols regarding the wearing of Face Coverings, social distancing, and CDC and MDH guidelines concerning the cleaning and disinfecting of tables and locations where performers are performing must be followed.

- 3. Are movie theatres allowed to open and operate given Mayor Young’s Executive Order issued on August 7, 2020 and Maryland Department of Health Order 2020-09-01-01 issued by Secretary Robert R. Neall?**
- a. **Yes.** Movie theatres, which are licensed establishments in the City of Baltimore, are allowed to reopen **as long as the operators limit attendance within their establishments to 25% of the facility’s maximum occupancy allowed.**
- 4. What restrictions are still in place given Mayor Young’s Executive Order issued on August 7, 2020 concerning the operations of licensed establishments?**
- a. Subject to subsection (b) found below, all restaurants, bars, nightclubs, and other similar establishments that sell food and beverages or beverages for consumption on-premises (collectively, “Foodservice Establishments”) may, to the extent permitted by applicable law:
- i. Serve food and beverages to customers for consumption in outdoor seating areas;
  - ii. Sell food and beverages that are promptly taken from the premises, i.e., on a carry-out or drive-through basis;
  - iii. Deliver food and beverages to customers off the premises; and
  - iv. Serve food and beverages to customers for consumption in indoor seating areas.
- b. Foodservice Establishments shall:
- i. Require all staff and patrons to wear face coverings, in accordance with the Face Coverings Order;
  - ii. Not allow the number of persons in the Foodservice Establishment to exceed 25% of the Restaurant’s Maximum Occupancy (indoor consumption)
  - iii. Close indoor dining at 10:00 pm
  - iv. Not serve food in a buffet format;
  - v. Not serve customers who are not seated;
  - vi. Not serve customers beverages if they are not also eating; and
  - vii. Clean and disinfect each table between each seating in accordance with CDC and MDH guidelines, using cleaning products that meet the criteria of the U.S. Environmental Protection Agency for use against COVID-19.
- 5. If I operate a licensed establishment with a kitchen that allows for foods to be prepared and consumed on-premises, do all patrons have to be exited from the interior of the establishment at 10:00 pm?**
- a. **Yes.** Under the Executive Order issued by Mayor Young on August 7, 2020 all indoor consumption of on-premises food or alcoholic beverages must cease at 10:00 pm.
- 6. Does Mayor Young’s Executive Order issued on August 7, 2020 limit the number of patrons to whom I can provide on-premises consumption of alcoholic beverages seated outdoor table service?**
- a. **No.** However, on-premises outdoor table service is limited to the boundaries and area as proscribed by the Use and Occupancy permit issued to the establishment. In the alternative, an establishment can provide outdoor table service in compliance with the guidelines listed within the Outdoor Seating Relief Program or the Outdoor Dining Street Closure Program permit, as

long as and it has also been issued a Temporary Outdoor Extension Permit by the BLLC to provide alcoholic beverage service.

**7. If I operate a bar or tavern (Generally Class D or BD7 licensee) and I do not have a kitchen where prepared foods are made on premises and served, can I provide indoor consumption to my customers?**

- a. No. Under Mayor Young's Executive Order issued on August 7, 2020 allowance of indoor consumption is only offered to establishments that have a fully functioning kitchen where food prepared on premises can be served to seated patrons.

**8. If I operate a bar or tavern (Generally Class D or BD7 licensee) without a kitchen, may I still provide outdoor table service to patrons?**

- a. **Yes.** This Executive Order does not prohibit bars or taverns (Generally Class D or BD7 licensee) from providing outdoor table service to seated patrons. This Mayoral Executive Order allows for on-premises consumption of alcoholic beverages for establishments that have permanent outdoor table service. It also authorizes licensees that have been awarded temporary outdoor table service through the Outdoor Seating Relief Program or the Outdoor Dining Street Closure Program and been issued a Temporary Outdoor Extension Permit by the BLLC to provide alcoholic beverage service.

**9. Are retail establishments (primarily packaged goods stores) affected by Mayor Young's Mayoral Executive Order issued on August 7, 2020?**

- a. No. However, packaged goods stores may remain open and shall continue to ensure compliance with social distancing, masking requirements, and limiting the total number of customers in the retail establishment at any time to 25% of the maximum occupancy load of the establishment as determined by the Baltimore City Fire Department.

**10. I have a Social and Fraternal Club License (Class C Beer, Wine, and Liquor or a Class C Beer and Wine License). Can I operate under Mayor Young's Mayoral Executive Order issued on August 7, 2020?**

- a. Yes. Social and fraternal clubs are allowed to provide food and beverages or beverages to their members and guests for consumption on premises, as long as the total number of persons within the establishment does not exceed the lesser of 25 persons or 25% of maximum occupancy.

**11. What does Maximum Occupancy mean in regards to my establishment?**

- b. The Maximum Occupancy means the maximum occupancy load of the facility under the applicable fire code, as set forth on a certificate issued for the facility by a local fire code official. If no such certificate has been issued for the facility by the local fire code official, the maximum occupancy of the facility will be set pursuant to applicable laws, regulations, and permits.

If you have any other questions regarding this matter, please contact General Counsel at the Baltimore City Department of Health, Ms. Kathleen Smith at [Kathleeng.Smith@baltimorecity.gov](mailto:Kathleeng.Smith@baltimorecity.gov)