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BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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Date: November 20, 2020

Re: Guidance for Baltimore City's licensed establishments concerning Governor Lawrence J. Hogan's Executive Order Amending and Restating the Order of November 10, 2020, Regulating Certain Businesses and Facilities and Generally Requiring Use of Face Coverings, in light of Baltimore City Mayor Bernard C. "Jack" Young's Mayoral Executive Order further clarifying guidance concerning the operation of Restaurants and Bars for Indoor and Outdoor Dining effective on November 12, 2020.

From: Board of Liquor License Commissioners for Baltimore City (BLLC)

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 Governor Lawrence J. Hogan's Executive Order Amending and Restating the Order of November 10, 2020, Regulating Certain Businesses and Facilities and Generally Requiring Use of Face Coverings, in light of Baltimore City Mayor Bernard C. "Jack" Young's Mayoral Executive Order further clarifying guidance concerning the operation of Restaurants and Bars for Indoor and Outdoor Dining effective on November 12, 2020:

1. How does Governor Hogan's Executive Order issued on November 12, 2020 affect my business?

- a. Subject to subsection (b) found below, all restaurants, bars, nightclubs adult entertainment, 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 for customers for consumption in indoor areas.
- b. Foodservice Establishments shall:
 - i. Require all staff and patrons to wear face coverings, in accordance with the Face Coverings City and State Orders;
 - ii. Not allow the number of persons in the Foodservice Establishment to exceed 25% of the Restaurant's Maximum Occupancy
 - iii. Close indoor and outdoor dining/consumption at 10:00 pm
 - iv. Not serve food in a buffet format;
 - v. Not serve customers who are not seated and eating;
 - vi. Not serve customers beverages in indoor or outdoor seating areas 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.

2. 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 and exterior of the establishment at 10:00 pm?

- a. Yes. All indoor and outdoor consumption of on-premises food or alcoholic beverages must cease at 10:00 pm.

3. **Does either Governor Hogan or Mayor Young’s Executive Order 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.

4. **If I operate a bar or tavern (Generally Class D or BD7 licensee) and I do not have a fully operating kitchen where prepared foods are made on premises and served, can I provide indoor or outdoor consumption to my customers?**
 - a. No. Bars and/or *taverns licensed by the Health Department of Baltimore City as “low priority” food service facilities* are not permitted to be open for indoor or outdoor consumption, but may provide carry out service provided that the beverages are in closed containers.

5. **If I operate an adult entertainment establishment and my establishment is also licensed by the Health Department of Baltimore City as “low priority” food service facility, am I allowed to provide indoor on-premises consumption to patrons?**
 - a. No. If your adult entertainment establishment is licensed by the Health Department of Baltimore City as “low priority” food service facility, you cannot offer or allow indoor consumption to patrons.

6. **If I have been issued a Class D Brewery License and my establishment is also licensed by the Health Department of Baltimore City as “low priority” food service facility, am I allowed to provide indoor on-premises consumption to patrons?**
 - a. No. If your Class D Brewery License is licensed by the Health Department of Baltimore City as “low priority” food service facility, you cannot offer or allow indoor or outdoor consumption to patrons, but you may provide carry out service provided that the beverages are in closed containers.

7. **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 November 12, 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 25% of maximum occupancy.

8. **If I have been issued a a Class BD7 or Class D tavern license, and have operated a separate packaged goods section prior to March 5, 2020, can I operate under Mayor Young’s Mayoral Executive Order issued on November 12, 2020?**
 - a. Yes. Under this Executive Order, your establishment is considered a retail establishment and may operate under the scope of the license issued to your establishment, provided however, that the total number of persons permitted in your establishment at any one time shall not exceed 25% of that Retail Establishment’s Maximum Occupancy.

9. **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