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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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Date: May 28, 2020

Re: Guidance for Baltimore City's licensed establishments concerning Maximum Occupancy and outdoor table service in light of Governor Lawrence J. Hogan's Executive Order issued on May 27, 2020.

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

To provide additional 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 Hogan's Executive Order issued on May 27, 2020:

- 1. How does this Executive Order affect Class A, Class A-2, Class A-7 (beer and wine and/or beer, wine, and liquor) package goods stores?**
 - a. Retail beer and wine and/or beer, wine, and liquor stores that sell alcoholic beverages *for off-premises consumption only*, may be open to the general public, provided however, that the total number of persons permitted in the establishment at any one time shall not exceed 50% of that establishment's Maximum Occupancy. In addition to complying with the 50% occupancy limit, the retailer must also comply with any applicable rules on social distancing.
 - i. "Maximum Occupancy" means (1) the maximum occupancy load of the facility under the applicable fire code, as set forth on a certificate issued for the facility by the Baltimore City Fire Department; or (2) if no such certificate has been issued for the facility by the Baltimore City Fire Department, the maximum occupancy of the facility pursuant to applicable laws, regulations, and permits.
- 2. How does this Executive Order affect Class B, Class D, Class BD7 (beer and wine and/or beer, wine, and liquor) Restaurants and Bars?**
 - a. Restaurants and Bars/Taverns that have been approved by the Board and have the privilege of providing outdoor table service attached to their liquor license may: (1) serve food and beverages to customers for consumption in outdoor seating areas; and (2) sell food and beverages that are promptly taken from the premises, i.e., on a carry-out or drive through basis; and/or (3) deliver food and beverages to customers off-premises.
 - b. Restaurants and Bars that serve food and beverages to customers in outdoor areas shall:
 - i. Require all staff to wear face coverings, in accordance with Governor Hogan's Executive Order issued on April 15, 2020 entitled "Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures;" (a link to that Executive Order can be found here: www.governor.maryland.gov/wp-content/uploads/2020/04/Masks-and-Physical-Distancing-4.15.20.pdf)
 - ii. Ensure patrons are seated at least six feet away from each other, except members of the same household;
 - iii. Not allow groups larger than six persons to be seated together, except members of the same household;

- iv. Not serve food in a buffet format; and
- v. 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.

3. How does this order affect Class C (beer and wine and/or beer, wine, and liquor) Social and Fraternal Clubs with dining facilities?

- a. Social and Fraternal Clubs with dining facilities that have been approved by the Board and have the privilege of providing outdoor table service attached to their liquor license may: (1) serve food and beverages to customers for consumption in outdoor seating areas.
- b. Social and Fraternal Clubs with dining facilities that serve food and beverages to customers in outdoor areas shall:
 - i. Require all staff to wear face coverings, in accordance with Governor Hogan’s Executive Order issued on April 15, 2020 entitled “Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures;” (a link to that Executive Order can be found here: www.governor.maryland.gov/wp-content/uploads/2020/04/Masks-and-Physical-Distancing-4.15.20.pdf)
 - ii. Ensure patrons are seated at least six feet away from each other, except members of the same household;
 - iii. Not allow groups larger than six persons to be seated together, except members of the same household;
 - iv. Not serve food in a buffet format; and
 - v. 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.

4. Does this Executive Order authorize licensed establishments that have the privilege of outdoor table service attached to their license to allow patrons to consume food and alcoholic beverages if they are not seated?

- a. No. This Executive Order only authorizes licensed establishments that have the privilege of outdoor table service attached to their license to allow patrons to consume food and alcoholic beverages if they are *seated* six feet away from each other and in groups no larger than six persons, who happen to be members of the same household.

5. May a licensed establishment that HAS NOT obtained approval for outdoor table service in compliance with applicable law nor approval from the Board serve alcohol as part of any outdoor table service strictly by relying on this Executive Order?

- a. No. A licensed establishment may not provide outdoor table service, including the service of alcohol, strictly relying on this Executive Order. A licensed establishment must first comply with all applicable laws necessary to authorize outdoor table service and obtain approval from the Board for service of alcohol as part of its approved outdoor table service.

6. Does this Executive Order authorize licensed establishments to provide alcoholic beverages for on- premises consumption within the interior of their establishments?

- a. No. This Executive Order does not allow for licensed establishments to provide on-premises consumption within the interior of their establishments.