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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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Date: January 21, 2021

Re: Guidance for Baltimore City's licensed establishments concerning Governor Larry Hogan and Baltimore City Mayor Brandon M. Scott's Executive Orders Concerning Licensee Operations and Requirements

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

To provide 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 Scott's Mayoral Executive Order effective January 22, 2021 at 6:00am:

1. I hold a BLLC issued liquor license, am I allowed to be open for business to the public?

Answer: Yes.

Under Governor Hogan's Order 20-11-17-01, dated November 17, 2020¹ and Mayor Scott's Order, effective January 22, 2021,² you may operate in accordance with what is permitted by your license, **subject to the following restrictions:**

- a. You and your employees must wear a Face Covering in accordance with Baltimore City Health Commissioner Dr. Letitia Dzirasa's November 6, 2020 Directive and Order Regarding Face Coverings in Public.³
- b. You may not allow the number of individuals inside your premises to exceed 25% of your Maximum Occupancy (fire marshal capacity) at any point.

2. What hours am I allowed to be open to the public?

Answer: The hours are different depending on whether food and/or beverage is being consumed on premises or not.

- a. If you are engaged in off-premises sale of food or beverage (e.g. on-site purchase to be carried out prior to consumption or delivery), you may operate as long as the hours of business on your license permit you to be open.
- b. If you are engaged in sale of food or beverage to be consumed on-premises, you may do so in accordance with the terms of your license, but all on-premises consumption of food and beverage must cease between the hours of 10:00pm and 6:00am, regardless of what your license allows.

3. Okay, so I am selling food and/or beverage for consumption on-premises, is there anything else I should know?

Answer: Yes.

- a. You **may not:**
 - i. Serve food in a buffet format.
 - ii. Serve customers who are not seated at either the bar (if applicable) or at one of the tables.
 - iii. Hold live entertainment performances of any kind.
- b. You **must:**

¹ See <https://governor.maryland.gov/wp-content/uploads/2020/11/Scanned-from-a-Xerox-Multifunction-Printer-4-1.pdf>.

² See <https://coronavirus.baltimorecity.gov/sites/default/files/Executive%20Order%2012221.pdf>.

³ See <https://www.baltimorecity.gov/file/65437>.

- i. Clean and disinfect each table in between each seating of patrons in accordance with Centers for Disease Control (CDC) and Maryland Department of Health (MDH) guidelines, using cleaning products that meet the criteria of the U.S. Environmental Protection Agency for use against COVID-19.
- ii. Modify floor plans to ensure customers are seated at least 6 feet away from each other, except for households or a group seated together.
(Note: No more than six people may be seated together as a group at a table.)⁴
- iii. Maintain a sign in sheet that shall include, for each patron and staff member entering the premises, their:
 1. Name;
 2. Contact number;
 3. Time of arrival (prior to being seated in the case of a patron).
- iv. Limit all patrons to a maximum one-hour period on premises.

4. I haven't heard anything about on-premises outdoor dining and beverage service, is there anything I should know?

Answer: Yes. All of the answers to the questions above apply to engaging in outdoor dining service, but there are two additional important things to be aware of:

- a. Outdoor dining is **only allowed if** the space is "open on all sides with no enclosure permitted," meaning "**an outdoor tent with no sides is allowable.**"⁵
- b. Outdoor dining may not exceed 50% of the Maximum Occupancy for the outdoor dining portion of the facility.

5. I hold a Class D Brewery License/Class C Beer, Wine and Liquor/Class C Beer and Wine License, am I allowed to operate?

Answer: Yes.

- a. As stated above, you may provide indoor service to customers at 25% of Maximum Occupancy, provided you maintain a sign-in sheet and follow the guidelines that no patron may stay longer than for a one-hour period on premises.

6. I hold a Class BD7 or Class D tavern license, and have operated a separate packaged goods section prior to March 5, 2020, may I operate?

Answer: Yes.

- a. As stated above, you may sell for carry out or delivery to customers provided that the separate packaged goods section never exceeds 25% Maximum Occupancy.

7. I operate an adult entertainment establishment that also holds a liquor license, am I allowed to be open?

Answer: Yes.

- a. You may open and operate your on-premises consumption of food and alcohol as permitted by your liquor license subject to all of the same requirements as described above, but you are prohibited from holding live performances.⁶

8. What does Maximum Occupancy mean in regards to my establishment again?

- a. 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.

⁴ See [https://phpa.health.maryland.gov/Documents/2020.11.17.03%20-%20MDH%20Order%20-%20Amended%20Food%20Service%20Establishments%20Order%20\(Food%20Courts\).pdf](https://phpa.health.maryland.gov/Documents/2020.11.17.03%20-%20MDH%20Order%20-%20Amended%20Food%20Service%20Establishments%20Order%20(Food%20Courts).pdf).

⁵ See Mayor Scott's Executive Order Dated January 22, 2021, <https://coronavirus.baltimorecity.gov/sites/default/files/Executive%20Order%20012221.pdf>.

⁶ But see also *id.* at Section XIII(B).