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STATE OF MARYLAND  
**BOARD OF LIQUOR LICENSE COMMISSIONERS**  
FOR BALTIMORE CITY  
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PHONE: (410) 396-4377

**Date:** February 22, 2021

**Re:** Guidance for Baltimore City's licensed establishments concerning Mayor Brandon M. Scott's Updated Executive Order Concerning Licensee Operations and Requirements

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

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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 Governor Hogan's updated January 28, 2021 Executive Order and how it works with Mayor Scott's Current and Revised Mayoral Executive Order, effective Monday, Monday February 22, 2021:

**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 new Executive Order 21-01-28-01<sup>1</sup>, and Mayor Scott's Executive Order Updating Restrictions, effective February 22, 2021<sup>2</sup>, 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.<sup>3</sup>
- b. You may not allow the number of individuals inside your premises to exceed 25% of your maximum fire marshal capacity at any point.

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

*Answer: You may continue to operate according to the hours your license permits.*

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

*Answer: Yes.*

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<sup>1</sup> See <https://governor.maryland.gov/wp-content/uploads/2021/01/Gatherings-18th-AMENDED-01.28.21.pdf>

<sup>2</sup> See <https://www.baltimorecity.gov/file/69452>

<sup>3</sup> See [https://coronavirus.baltimorecity.gov/sites/default/files/HEALTH%20COMMISSIONER%20UPDATED%20DIRECTIVE%20AND%20ORDER%20REGARDING%20FACE%20COVERINGSFINAL.EFF\\_IMMEDIATE.pdf](https://coronavirus.baltimorecity.gov/sites/default/files/HEALTH%20COMMISSIONER%20UPDATED%20DIRECTIVE%20AND%20ORDER%20REGARDING%20FACE%20COVERINGSFINAL.EFF_IMMEDIATE.pdf)

- 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.
- b. You **must**:
  - 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.)<sup>4</sup>
  - iii. Maintain a sign in sheet that shall include, for each staff member and each patron entering the premises, their:
    1. Name;
    2. Contact number.

**4. May I offer on-premises outdoor dining and beverage service?**

*Answer: Yes. All of the answers to Questions 1, 2 and 3 above apply to conducting outdoor dining service, but there are three (3) additional important things to be aware of:*

- a. You must have applied for and hold any and all relevant permits authorizing outdoor service.
- b. 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.”***
- c. 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 capacity, provided you maintain a sign-in sheet for all guests.

**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 capacity.

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<sup>4</sup> 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)

**7. Am I allowed to provide live entertainment?**

*Answer: Yes, with certain restrictions.*

- a. If your current license allows for live entertainment, it is now allowed with certain restrictions:
  - i. Performers must wear a mask.
  - ii. Patrons must remain seated at all times for the duration of the performance
  - iii. All patrons and employees must adhere to social distancing guidelines.
- b. Note: **Adult Entertainment live performances remain prohibited**, see Question 8 below for more information.

**8. 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.
- b. If your alcoholic beverages license allows for live entertainment, you may provide for live entertainment consistent with all other guidance under Question 7 above subject to all of the same requirements as described above.
- c. You **may not** hold any live performance that is **only permitted because you hold an adult entertainment license** and is therefore regulated by the Adult Entertainment Rules and Regulations of the Baltimore City Board of Liquor License Commissioners.<sup>5</sup>

**9. What does Maximum Occupancy mean again?**

*Answer: See below.*

- 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.

**10. May I provide alcoholic beverages in sealed containers for delivery or carryout for consumption off-premises?**

*Answer: Yes.*

- a. Governor Hogan's Executive Order No. 20-05-29-01<sup>6</sup>, dated May 29, 2020, remains in effect and permits such activity to occur, provided you are complying with all other legal requirements applicable to your liquor license.

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).

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<sup>5</sup> But see also Section V. 9. and XIII. C. of Mayor Scott's Executive Order dated February 22, 2021.

<sup>6</sup> See <https://governor.maryland.gov/wp-content/uploads/2020/05/Alcohol-Services-AMENDED-5.29.20.pdf>; see also <https://governor.maryland.gov/wp-content/uploads/2021/01/Gatherings-18th-AMENDED-01.28.21.pdf>, at III.f.i.2. and III.f.i.3.