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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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Date: March 12, 2021

Re: Guidance for Baltimore City's licensed establishments concerning Mayor Brandon M. Scott's Updated Executive Order as it pertains to Licensee Operations and Requirements

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

Purpose:

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 Brandon M. Scott's Current and Revised Mayoral Executive Order, effective at 6:00am on Friday, March 12, 2021.

***** NOTE: MAYOR SCOTT'S ORDER SUPERSEDES GOVERNOR HOGAN'S ANNOUNCEMENT*****

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

Answer: Yes.

Under Mayor Scott's Executive Order Updating Restrictions, effective March 12, 2021¹, 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.²
- b. You may not allow the number of individuals inside your premises to exceed 25% of your maximum fire marshal capacity* at any point.

Please be aware the fire marshal capacity means each person on the premises, including but not limited to: patrons, owners, managers, employees, delivery drivers, etc.

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.

¹ See <https://mayor.baltimorecity.gov/sites/default/files/Executive%20Order%20-%20Signed%20and%20Sealed%203-12-2021.pdf>

² See https://coronavirus.baltimorecity.gov/sites/default/files/HEALTH%20COMMISSIONER%20UPDATED%20DIRECTIVE%20AND%20ORDER%20REGARDING%20FACE%20COVERINGSFINAL.EFF_IMMEDIATE.pdf

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.³
 - ii. Serve customers who are not seated at either the bar (if applicable) or at one of the tables.
- b. You **must**:
 - i. Modify floor plans to ensure customers are seated at least 6 feet away from each other, except for households or a group seated together.⁴
(Note: No more than TEN people may be seated together as a group at a table.)⁵
 - ii. 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-19.⁶
 - iii. Maintain a sign in sheet⁷ that shall include, for each staff member and each patron entering the premises, their:
 1. Name;
 2. Contact number; and
 3. Time of arrival.

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

³ See <https://mayor.baltimorecity.gov/sites/default/files/Executive%20Order%20-%20Signed%20and%20Sealed%203-12-2021.pdf> at pg. 5, Paragraph VII.B.2.

⁴ See <https://phpa.health.maryland.gov/Documents/2021.03.09.01%20-%20MDH%20Order%20-%20General%20Directives%20Regarding%20Certain%20Businesses%20and%20Facilities.pdf>

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

- a. Mayor Scott's Executive Order dated March 12, 2021 authorizes⁸ that you may sell for carry out or delivery to customers provided that the separate packaged goods section never exceeds 25% maximum capacity.

7. My license includes a live entertainment privilege, 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. All performers must wear a mask.
 - ii. Patrons must remain seated at all times for the duration of the performance
 - iii. Performers, patrons, and employees must adhere to social distancing requirements with all other performers, patrons, and employees at all times

If the live performance requires a specific activity that requires the removal of or modification to a mask, that activity is prohibited

- b. REMEMBER: you are still required to abide by all the restrictions in Question 3 above.

8. I hold an adult entertainment license, am I allowed to be open and provide adult live entertainment?

Answer: Yes, with certain restrictions.

- a. If you hold an adult entertainment license, live adult entertainment is now allowed with certain restrictions:
 - i. All performers must wear a mask.
 - ii. Patrons must remain seated at all times for the duration of the performance
 - iii. Performers, patrons, and employees must adhere to social distancing requirements with all other performers, patrons, and employees at all times

If the live adult entertainment performance requires a specific activity that requires the removal of or modification to a mask, that activity is prohibited

- b. REMEMBER: you are still required to abide by all the restrictions in Question 3 above.

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.

REMEMBER: the fire marshal capacity means each person on the premises, including but not limited to: patrons, owners, managers, employees, delivery drivers, etc.

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

Answer: Yes.

⁸ See <https://mayor.baltimorecity.gov/sites/default/files/Executive%20Order%20-%20Signed%20and%20Sealed%203-12-2021.pdf> at pg. 4, Paragraph IV.C.

- a. Governor Hogan's Executive Order No. 20-05-29-01⁹, 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.

11. St. Patrick's Day celebrations start this weekend, can we do a Pub Crawl/Tour in conjunction with other licensed establishments in Baltimore City?

Answer:

Absolutely not. Pub Crawls/Tours remain prohibited within the City under the Mayor's current Executive Order. The Baltimore City Department of Transportation (DOT) has not issued any Special Event Permits, nor has the BLLC issued any pub crawl/tour licenses in calendar year 2021.

****If you see a pub crawl/tour advertised, please contact the Liquor Board to investigate. Members of the public should be aware that if you are paying money for a pub crawl/tour registration for St. Patrick's Day 2021, it may very well be a scam.****

Reminder:

As a final reminder, you may see other agencies such as the Baltimore Police Department (BPD) or DOT close streets or parts of streets for public safety reasons. If you see such actions occur, it **does not mean** that the BLLC has licensed any related activity, as we have not.

12. Will the BLLC be conducting heightened enforcement around Saint Patrick's Day celebrations during the upcoming days of and around the holiday?

Answer:

Yes. The BLLC Inspection Division, Executive Division, and Community Liaison will be present in the historically popular St. Patrick's Day areas—including Federal Hill, Fell's Point, and Canton—during the weekends prior to and after St. Patrick's Day. Members of the public and licensees can expect a heavier than usual monitoring presence on Saturday March 13th and Sunday March 14th, on St. Patrick's Day itself, Wednesday March 17th, and on Saturday March 20th and Sunday March 21st.

13. A BLLC Liquor License Inspector has entered my establishment, what must I do?

For licensees, the BLLC asks that you please prepare to be inspected and consider the following:

- Licensees **must** operate under the restrictions outlined in the Mayor's Executive Order. BLLC Guidance can be found on our website, here: <https://llb.baltimorecity.gov/bllc-covid-19-updates>.
- Any security personnel should have clickers for counting patrons both entering and exiting, to ensure proper capacity.

In order to facilitate an easy inspection process, licensees should make readily available the following:

- COVID19 sign-in sheets
- Liquor License and other related government permits: Fire, Health, Trader's License, etc.
- Access to the entirety of your licensed premises.

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.

⁹ 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