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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
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Date: March 25, 2021

Re: Guidance for Baltimore City's licensed establishments concerning Mayor Brandon M. Scott's Updated Executive Order, effective March 26, 2021, 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 26, 2021.

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 26, 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 Mayor Scott's Executive Order, effective March 26, 2021.²
- b. You may not allow the number of individuals inside your premises to exceed 50% of your maximum fire marshal capacity* at any point.³

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.

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

Answer: Yes.

¹ See <https://www.baltimorecity.gov/file/70749>

² *Id.* at pg. 10-11, Paragraph XVI.

³ *Id.* at pg. 5, Paragraph VII.A.

- a. You **may not**:
 - i. Serve food in a buffet format.⁴
 - 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.⁵
(Note: No more than TEN people may be seated together as a group at a table.)⁶
 - 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-19.⁷
 - iii. Maintain a sign in sheet⁸ 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.***”⁹
- c. Outdoor dining may not exceed 75% of the Maximum Occupancy for the outdoor dining portion of the facility.¹⁰

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 50% of capacity, provided you maintain a sign-in sheet for all guests.¹¹

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

⁴ *Id.* at pg. 5, Paragraph VII.B.2.

⁵ See <https://pha.health.maryland.gov/Documents/2021.03.09.01%20-%20MDH%20Order%20-%20General%20Directives%20Regarding%20Certain%20Businesses%20and%20Facilities.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See <https://www.baltimorecity.gov/file/70749> at pg. 5, Paragraph VII.B.5.

¹⁰ *Id.* at pg. 5, Paragraph VII.A.

¹¹ See fn. 8, *supra*.

- a. Mayor Scott's Executive Order effective March 26, 2021 authorizes¹² that you may sell for carry out or delivery to customers provided that the separate packaged goods section never exceeds 50% 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 unless appropriate physical mitigation barriers are in place.¹³
 - ii. Performers, patrons, and employees must adhere to social distancing requirements with all other performers, patrons, and employees at all times.¹⁴

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 unless appropriate physical mitigation barriers are in place.¹⁵
 - ii. Performers, patrons, and employees must adhere to social distancing requirements with all other performers, patrons, and employees at all times.¹⁶

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.¹⁷

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

¹² *Id.* at pg. 4, Paragraph IV.C.

¹³ *Id.* at pg. 8, Paragraph XIII.D(ii).

¹⁴ *Id.* at pg. 8, Paragraph XII.D(i).

¹⁵ *Id.* at pg. 8, Paragraph XII.D(ii).

¹⁶ *Id.* at pg. 8, Paragraph XII.D(i).

¹⁷ *Id.* at pg. 3, Paragraph II.A.

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. 20-05-29-01¹⁸, 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. 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.

¹⁸ 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