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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
1 N. CHARLES STREET, SUITE 1500
BALTIMORE, MARYLAND, 21201-3724
PHONE: (410) 396-4377

Date: March 5, 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)

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 Governor Hogan's updated January 28, 2021 Executive Order and how it works with Mayor Scott's Current and Revised Mayoral Executive Order, effective at 3:00pm on Friday, March 5, 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 Executive Order 21-01-28-01¹, and Mayor Scott's Executive Order Updating Restrictions, effective March 5, 2021², 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 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://governor.maryland.gov/wp-content/uploads/2021/01/Gatherings-18th-AMENDED-01.28.21.pdf>

² See <https://www.baltimorecity.gov/sites/default/files/03032021182551-0001.pdf>

³ See <https://coronavirus.baltimorecity.gov/sites/default/files/HEALTH%20COMMISSIONER%20UPDATED%20DIRECTIVE%20AND%20ORDER%20REGARDING%20FACE%20COVERINGSFINAL.EFF.IMMED.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.
 - 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.)⁴
 - 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; 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.

- 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.

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)

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.

- a. Governor Hogan's Executive Order No. 20-05-29-01⁵, 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.

⁵ 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

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

Answer:

As the licensee, you are required to provide the inspector ready access to any licenses issued to you by the BLLC and other relevant permits/licenses issued by other City agencies (e.g. Fire Marshal maximum capacity certificate, etc.) so the inspector can determine compliance with all applicable laws and regulations, including Mayor Brandon M. Scott's Executive Order, effective 3:00pm March 5, 2021.

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.