

8 A BILL
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10

11 IN THE DISTRICT OF COLUMBIA
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14 To amend, on an emergency basis, Title 25 of the District of Columbia Official Code to
15 make amendments to the law regulating the sale, transportation, and
16 consumption of alcoholic beverages.
17

18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
19 That this act may be cited as the “Reopen Washington DC Alcoholic Beverage
20 Regulation Emergency Amendment Act of 2022”.
21

22 Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:
23

24 (a) Chapter 1 is amended as follows:
25

26 (1) The table of contents for Subchapter II is amended by adding new section
27 designations to read as follows:

28 “§ 25-130. Third-party alcohol delivery license.

29 “§ 25-131. Commercial lifestyle center license.”.

30 (2) Section 25-101 is amended as follows:

31 (A) A new paragraph (5A) is added to read as follows:

32 “(5A) “Alcohol training and education certification provider” means any
33 person or entity approved by the Board to conduct an alcohol training and education
34 certification program as set forth in § 25-121.”.

35 Paragraph (12) is amended by striking the phrase “licensed wholesalers for
36 the purpose of resale to other licensees.” and inserting the phrase “other licensees as
37 authorized in § 25-117(a)(1).” in its place.

38 (B) A new paragraph (14A) is added to read as follows:

39 “(14A) “Closed container” means a container with a tamper-evident seal or
40 lid, including a seal or lid that indicates whether the closure has been interfered with or
41 removed, designed to prevent consumption without the removal of the seal or lid.”.

42 (C) Paragraph (15A) is repealed.

43 (D) A new paragraph (15B) is added to read as follows:

44 “(15B) “Commercial lifestyle center” means a mixed-use or commercial
45 development having a combination of retail, residential, dining, entertainment, office, or
46 hotel establishment located in a physically integrated outdoor setting that is pedestrian
47 friendly and that is governed by a commercial owners’ association responsible for the
48 management, maintenance, and operation of the common areas of the development.”.

49 (E) A new paragraph (17A) is added to read as follows:

50 “(17A) “Curbside delivery” means deliveries made to a clearly designated
51 location that is adjacent to the licensed premises of the off-premises retailer, on-
52 premises retailer, or manufacturer holding an on-site sales and consumption permit,
53 including the parking lot or within 200 feet of the licensed premises.”.

54 (F) A new paragraph (18A) is added to read as follows:

55 “(18A) “Deposit-refund” means a fee at least equal to the cost of the reusable
56 container that a customer pays when purchasing a beverage or food product in a reusable

57 container that is refunded to the customer upon returning the container to the
58 establishment.”.

59 (G) Paragraph (21A) is amended by striking the phrase “and disc
60 jockeys” and inserting the phrase “disc jockeys, and trivia nights during which
61 microphones are used” in its place.

62 (H) A new paragraph (31A) is added to read as follows:

63 (31A) “Management agreement” means an operational agreement
64 between the licensee and a third-party governing the necessary managerial functions of
65 an establishment for a fee.

66 (I) A new paragraph (38B) is added to read as follows:

67 “(38B) “Prepared food” means food that is prepared or cooked on the
68 premises that does not require further preparation for dine-in, carry-out, or delivery.”.

69 (J) Paragraphs (44) and (44A) are redesignated as paragraphs (44A) and
70 (44B), respectively.

71 (K) A new paragraph (44) is added to read as follows:

72 “(44) “Reusable container” means a container for a beverage or food product
73 that is specifically designed to be sanitized and to be used at least 125 times.”.

74 (L) Paragraph (49)(B) is amended by striking the figure “15%” and
75 inserting the figure “21%” in its place.

76 (N) A new paragraph (52A) is added to read as follows:

77 “(52A) “Third-party delivery company” means a platform or business that is
78 registered to conduct business in the District, has a contractual relationship with a holder
79 of an off-premises retailer, on-premises retailer, or manufacturer’s license to provide

80 local, same-day delivery services or facilitate the sale of alcoholic beverages for local
81 same-day deliveries to consumers through the use of the internet, a mobile application,
82 or a similar technology platform, and uses its own employees or independent
83 contractors. Third-party delivery company does not include such a platform or business
84 that provides an interstate shipment through the use of a common carrier as defined in §
85 25-772 (a) and (b).”.

86 (3) Section 25-112 is amended by adding a new subsection (i) to read as
87 follows:

88 “(i)(1) An applicant for a grocery store that is newly constructed with a
89 certificate of occupancy issued after January 1, 2021, that meets the requirements of §
90 25-333(f) shall be permitted to apply for one 25% grocery store class A retailer’s license
91 in either Ward 7 or Ward 8. After 12 months of operation in either Ward 7 or Ward 8,
92 the holder of a 25% grocery store class A retailer’s license shall be permitted to apply
93 for one additional 25% grocery store class A retailer’s license for a grocery store that is
94 newly constructed with a certificate of occupancy issued after January 1, 2021, that
95 meets the requirements of § 25-333(f) at a location in Wards 1 through 6.

96 “(2) For the purposes of this subsection, the election ward
97 boundaries in effect from January 1, 2012, through December 31, 2021, apply to each
98 ward referenced in this subsection.”.

99 (4) Section 25-113(a) is amended as follows:

100 (A) Paragraph (3) is amended by adding a new subparagraph (D) to read
101 as follows:

102 “(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
103 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is
104 registered with the Board under subparagraph (C) of this paragraph may also register
105 with the Board to sell to a consumer beer, wine, or spirits in closed containers
106 accompanied by one or more prepared food items for off-premises consumption from up
107 to 2 additional locations other than the licensed premises. Board approval shall not be
108 required for the additional registration under this paragraph; provided, that:

109 “(I) The licensee separately registers with the Board, pays
110 a fee of \$100, and receives written authorization from ABRA prior to offering alcoholic
111 beverages to consumers for carryout or delivery at an additional location;

112 “(II) The licensee, the additional location’s owner, or a
113 prior tenant at the additional location possesses a valid certificate of occupancy for the
114 building used as the additional location, unless the additional location is located on
115 outdoor private space;

116 “(III) The licensee has been legally authorized by the
117 owner of the building or the property utilized as the additional location to utilize the
118 space for carryout or delivery to a consumer;

119 “(IV) The licensee agrees to follow all applicable
120 Department of Consumer and Regulatory Affairs and Department of Health laws and
121 regulations; and

122 “(V) The additional location from which the licensee
123 intends to offer alcoholic beverages to a consumer for carryout or delivery is located in a
124 commercial or mixed-use zone as defined in the District’s zoning regulations.

125 “(ii) The on-premises retailer licensee shall not offer, beer, wine,
126 or spirits to a consumer for carryout and delivery on public space; except, that an
127 additional location permitted pursuant to this subparagraph may include a sidewalk café
128 that has been issued a public space permit by the District Department of Transportation.

129 “(iii) The on-premises retailer licensee who has registered to sell
130 beer, wine, or spirits for carryout or delivery to a consumer in accordance with this
131 subparagraph shall do so only at an additional location.

132 “(iv) An on-premises retailer licensee who has registered to sell
133 beer, wine, or spirits for carryout or delivery to a consumer pursuant to this
134 subparagraph may do so for no more than 60 calendar days; except, that upon approval
135 by the Board of a written request from an on-premises licensee to extend carryout or
136 delivery alcohol sales to a consumer from the additional location pursuant to this
137 subparagraph, the licensee may continue for one additional 30 calendar-day period. A
138 licensee shall not sell beer, wine, or spirits for carryout or delivery to a consumer for off-
139 premises consumption from the additional location for more than 90 calendar days
140 unless a completed application to do so has been filed with the Board with notice
141 provided to the public in accordance with § 25-421.

142 “(v) The on-premises retailer licensee registered to sell alcoholic
143 beverages for carryout or delivery to a consumer from an additional location in
144 accordance with this subparagraph is authorized only between the hours of 6:00 a.m. and
145 1:00 a.m., 7 days a week.

146 “(vi) The Board may fine, suspend, cancel, or revoke an on-
147 premises retailer’s license and shall revoke its registration to sell beer, wine, or spirits

148 for carryout and delivery to a consumer at the additional location if the licensee fails to
149 comply with subparagraphs (i) through (v) of this subparagraph.

150 “(vii) This subparagraph shall expire on December 31, 2023.”.

151 A new paragraph (6) is added to read as follows:

152 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
153 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a
154 manufacturer’s license, class A, B, or C, with an on-site sales and consumption permit,
155 or a Convention Center food and alcohol business may register with the Board in 2022
156 and 2023 to sell, serve, and permit the consumption of beer, wine, and spirits to
157 consumers on new or expanded temporary ground floor or street level outdoor public or
158 private space not listed on its existing license for the entire 12 months of 2022 and 2023.
159 Board approval shall not be required to register; provided, that the licensee:

160 “(i)(I) Registers with the Board in 2022 and 2023;

161 “(II) Pays a \$100 fee;

162 “(III) Notifies the Office of Advisory Neighborhood
163 Commissions by electronic mail of the registration; and

164 “(IV) Receives written authorization from ABRA prior to
165 selling, serving, or permitting the consumption of alcoholic beverages on the proposed
166 outdoor public or private space;

167 “(ii) Registers with the District Department of Transportation
168 (“DDOT”) prior to operating on any proposed outdoor public space or receives written
169 approval from the property owner prior to utilizing any proposed outdoor private space;
170 and

171 “(iii) Agrees to follow all applicable Mayor’s Orders and
172 Department of Consumer and Regulatory Affairs, Department of Health, DDOT and
173 ABRA regulations and administrative issuances.

174 “(B) An on-premises retailer’s licensee, class C or D, or a manufacturer’s
175 license, class A, B or C, with an on-site sales and consumption permit or a Convention
176 Center food and alcohol business that has registered with the Board and receives written
177 authorization from ABRA to sell, serve, and permit the consumption of beer, wine, and
178 spirits to seated patrons on outdoor public or private space not listed on its license in
179 accordance with subparagraph (A) of this paragraph shall:

180 “(i) Ensure that the proposed outdoor public or private space is
181 located in a commercial or mixed-use zone as defined in the District’s zoning
182 regulations;

183 “(ii) Abide by the terms of their public space permit with regard
184 to the allowable placement of alcohol advertising, if any, in outdoor public space; and

185 “(iii) Have its own clearly delineated outdoor space and not share
186 tables and chairs with another business.

187 “(C) Registration under subparagraph (A) of this paragraph shall be valid
188 for the entire 12 months of 2022 and 2023. The Board may fine, suspend, or revoke an
189 on-premises retailer’s license, class C or D, or a manufacturer’s license, class A or B,
190 with an on-site sales and consumption permit, and shall revoke the registration to sell,
191 serve, or permit the consumption of beer, wine, or spirits on outdoor public or private
192 space not listed on the license if the licensee fails to comply with subparagraph (A) or
193 (B) of this paragraph.

194 “(D)(i) Notwithstanding subparagraph (B) of this paragraph, the Board
195 shall interpret settlement-agreement language that restricts sidewalk cafés or summer
196 gardens as applying only to those outdoor spaces that are currently licensed by the Board
197 as sidewalk cafés or summer gardens.

198 “(ii) The Board shall not interpret settlement-agreement language
199 that restricts or prohibits sidewalk cafés or summer gardens to apply to new or expanded
200 outdoor space, the use of which is permitted under this paragraph.

201 “(iii) The Board shall not interpret settlement-agreement language
202 that restricts or prohibits the operation of permanent outdoor space to prohibit the
203 temporary operation of sidewalk cafés or summer gardens.

204 “(iv) The Board shall require all on-premises retailer licensees,
205 class C or D, or manufacturer’s licenses, class A or B, with an on-site sales and
206 consumption permit, to delineate or mark currently licensed outdoor space from new or
207 extended outdoor space authorized by DDOT or the property owner.

208 “(v) With regard to existing outdoor public or private space,
209 parties to a settlement agreement shall be permitted to waive provisions of the settlement
210 agreement that address currently licensed outdoor space for a period not to exceed 180
211 days.

212 “(E) For purposes of this paragraph, ground floor or street level sidewalk
213 cafés or summer gardens enclosed by awnings or tents having no more than two sides
214 shall be considered outdoor space, and areas enclosed by retractable glass walls and
215 other forms of operable walls shall not be considered outdoor space. Temporary

216 unlicensed rooftops and summer gardens not located on the ground floor or street level
217 are not eligible for registration under subparagraph (A) of this paragraph.

218 (B) Subsection (b) is amended as follows:

219 (i) Paragraph (4) is repealed.

220 (ii) Paragraph (5) is amended to read as follows:

221 “(5)(A) Notwithstanding any other provision of this subchapter, the holder of
222 a class CR retailer’s license shall be authorized to permit a patron to remove one
223 partially consumed bottle or other container of wine or spirits for off-premises
224 consumption. The holder of a class DR retailer’s license shall be authorized to permit a
225 patron to remove one partially consumed bottle or other container of wine for off-
226 premises consumption.

227 “(B) A partially consumed bottle or other container of wine or spirits that
228 is to be removed from the premises must be securely resealed by the licensee or the
229 licensee’s employee before removal from the premises.

230 “(C) The partially consumed bottle or container shall be placed in a bag
231 or other closed container that is secured in such a manner that it will be visibly apparent
232 whether the closed container has been subsequently opened or tampered with, and a
233 dated receipt for the bottle or container of wine or spirits shall be provided by the
234 licensee and attached to the closed container.

235 “(D) A licensee that registers with the Board under subparagraph (A) of
236 this paragraph shall not be required to satisfy the notice or posting requirements set forth
237 in §§ 25-421 and 25-422.”.

238 (C) Subsection (c)(4) is repealed.

239 (D) Subsection (e)(7) is amended to read as follows:

240 “(7)(A) Notwithstanding any other provision of this subsection, a retailer class
241 CH licensee under this section is authorized to permit a patron to remove one partially
242 consumed bottle or container of wine or spirits for off-premises consumption. The
243 holder of a class DH retailer’s license shall be authorized to permit a patron to remove
244 one partially consumed bottle or other container of wine for off-premises consumption.

245 “(B) A partially consumed bottle or other container of wine or spirits that
246 is to be removed from the premises shall be securely resealed by the licensee or the
247 licensee’s employee before removal from the premises.

248 “(C) The partially consumed bottle or other container shall be placed in a
249 bag or other closed container that is secured in such a manner that it will be visibly
250 apparent whether the closed container has been subsequently opened or that a person has
251 tampered with the closed container.

252 “(D) The licensee or the licensee’s employee shall provide a dated receipt
253 for the bottle or other container of wine or spirits, which shall be attached to the closed
254 container.”.

255 (E) Subsection (i) is amended as follows:

256 (i) Paragraph (5) is amended to read as follows:

257 “(5) Wholesalers and off-premises retailer’s licensees, class A or AI, may
258 sell alcoholic beverages to caterers licensed under this subsection regardless of the
259 number of persons attending the catered event.

260 (ii) A new subparagraph (6) is added to read as follows:

261 “(6) A caterer shall be prohibited from holding a catered event under its
262 license that takes place on a public street that has been closed by the District
263 government.”.

264 (5) Section 25-113.01 is amended as follows:

265 (A) Subsection (b)(2) is amended by striking the phrase “8:00 a.m. and
266 12:00 a.m.” and inserting the phrase “6:00 a.m. to 1:00 a.m.” in its place.

267 (B) Subsection (c) is amended by striking the phrase “8:00 a.m. and
268 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

269 (C) A new subsection (c-1) is added to read as follows:

270 “(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer’s
271 licensee, class C or D, or a manufacturer’s license, class A, B, or C, with an on-site sales
272 and consumption permit may conduct business on ground floor or street level outdoor
273 public or private space, including sale, service, and consumption of alcoholic beverages;
274 provided, that the licensee complies with § 25-113(a)(6).”.

275 (6) Section 25-117 is amended as follows:

276 (A) Subsection (a) is amended as follows:

277 (i) Paragraph (1) is amended by striking the phrase “licensed
278 wholesalers for the purpose of resale to other licensees” and inserting the phrase
279 “licensed wholesalers, and retailers” in its place.

280 (ii) A new paragraph (5) is added to read as follows:

281 “(5)(A) A licensee holding a brew pub endorsement shall be permitted to sell and
282 deliver annually up to 15,500 gallons of malt beverages brewed at the location to other
283 retail licensees for resale purposes.

284 (B) A licensee holding a brew pub endorsement shall deliver malt
285 beverages brewed at its location to other licenses through the services of an employee or
286 an independent contractor. The licensee shall not use a third-party delivery company or
287 platform.

288 (C) The Board shall issue proposed regulations to require the holders of
289 brew pub endorsements to provide quarterly reports evidencing compliance with the
290 requirements of this paragraph.”.

291 (B) Subsection (a-2) is amended by striking the phrase “beer pub
292 endorsement” wherever it appears and inserting the phrase “brew pub endorsement” in
293 its place.

294 (7) Section 25-118 is amended as follows:

295 (A) Subsection (c) is amended by striking the phrase “a licensee shall”
296 and inserting the phrase “a licensee that holds a tasting permit shall” in its place.

297 (B) Subsection (e) is amended by striking the phrase “8:00 a.m. and
298 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

299 (C) Subsection (f)(1) is amended by striking the phrase “8:00 a.m. and
300 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

301 (D) Subsection (g)(1) is amended to read as follows:

302 “(g)(1) The Board may issue a tasting permit to a private collector to conduct
303 tastings closed to the public between the hours of 6:00 a.m. and 1:00 a.m., 7 days a
304 week.”.

305 (8) Section 25-120(h) is amended by striking the phrase “proof of
306 certification to the Board on a form supplied by a Board-approved training provider”

307 and inserting the phrase “to the Board a copy of the certificate received from the Alcohol
308 training and education certification provider” in its place.

309 (9) Section 25-125(d)(2) is amended by striking the phrase “7:00 a.m. to
310 12:00 a.m.” and inserting the phrase “6:00 a.m. to 1:00 a.m.” in its place.

311 (10) New sections 25-130 and 25-131 are added to read as follows:

312 “ § 25-130. Third-party alcohol delivery license.

313 “(a) A third-party alcohol delivery license shall be required for a third party to
314 deliver alcoholic beverages on behalf of the holder of an off-premises retailer’s license,
315 an on-premises retailer’s license, or a manufacturer’s license to a consumer and not for
316 resale purposes.

317 “(b) An off-premises retailer, on-premises retailer, or a manufacturer licensed
318 under this title may utilize the services of a third-party alcohol delivery licensee by
319 means of the telephone, Internet, mobile application, or other electronic means to
320 facilitate the ordering of alcoholic beverages.

321 “(c)(1) A licensee shall not deliver any alcoholic beverage pursuant to orders
322 received unless upon delivery the licensee verifies that the recipient is at least 21 years
323 of age by checking his or her valid government-issued photo identification.

324 “(2) At the time of delivery, the licensee shall verify that the recipient of
325 the alcoholic beverage is not visibly intoxicated.

326 “(d)(1) Alcoholic beverages shall be delivered only in closed containers.

327 “(2) Alcoholic beverages shall not be delivered to an address on a
328 university or college campus, or any elementary or secondary school located in the
329 District of Columbia.

330 “(e) A third-party alcohol delivery license shall be valid for 3 years.

331 “(f) A third-party alcohol delivery licensee shall file semi-annual reports with the
332 Board by January 30 and July 30 of each year, which shall include:

333 “(1) The total number of alcoholic beverages that were delivered during the
334 previous half of the year;

335 “(2) The name and address of the licensed establishment with which the
336 alcohol delivery order was placed; and

337 “(3) The date the alcoholic beverage was delivered.

338 “(g) A third-party alcohol delivery licensee shall maintain for 3 years books and
339 records reflecting the date, address, and recipient of the alcohol delivery for each
340 delivery and the name and business address of the person making the delivery on the
341 licensed premises or at a Board-approved location for 3 years. The third-party delivery
342 licensee shall make these books and records available to the Board and ABRA
343 investigators within 3 business days of receiving a written request from the Board or
344 ABRA.

345 “(h) An off-premises retailer, on-premises retailer, or a manufacturer licensed
346 under this title that utilizes the services of a third-party delivery licensee to sell or
347 deliver alcohol shall register with the Board, at no cost, to utilize the services of the
348 third-party delivery company. Board approval shall not be required to register if the
349 licensee:

350 (1) Registers with the Board each third-party delivery company it would
351 be utilizing prior to utilizing the services of the third-party delivery company to sell or
352 deliver alcohol; and

353 (2) Agrees to follow all applicable District laws, regulations, guidance
354 documents, administrative orders, including Mayor’s Orders, and permit requirements or
355 conditions, which may contain requirements that supersede provisions contained in this
356 section.

357 “(i) In the event that an off-premises retailer’s license, an on-premises retailer’s
358 license, or a manufacturer’s license is suspended, a third-party alcohol delivery’s
359 authorization to deliver alcoholic beverages on behalf of that holder of the off-premises
360 retailer’s license, on-premises retailer’s license, or a manufacturer’s license shall
361 automatically be suspended for the same period that the off-premises retailer’s license,
362 an on-premises retailer’s license, or a manufacturer’s license is suspended.

363 “(j) In the event that an off-premises retailer’s license, an on-premises retailer’s
364 license, or a manufacturer’s license is cancelled or revoked, a third-party alcohol
365 delivery’s authorization to deliver alcoholic beverages on behalf of that holder of the
366 off-premises retailer’s license, on-premises retailer’s license, or a manufacturer’s license
367 shall be cancelled or revoked.

368 “ § 25-131. Commercial lifestyle center license.

369 “(a) A commercial lifestyle center license (“CLC license”) may be issued to a
370 commercial owners’ association governing a commercial lifestyle center.

371 “(b) A CLC license shall permit a licensed restaurant, tavern, nightclub, hotel, or
372 multipurpose facility, including a private club, that is a tenant of the commercial
373 lifestyle center (“center facility”) to sell beer, wine, or spirits for consumption on the
374 portion of the licensed premises designated by the Board, including a plaza, seating area,
375 concourses, walkways, and other such thoroughfares.

376 “(c) A holder of a CLC license shall be permitted to allow a patron to consume
377 beer, wine, or spirits purchased from a center facility on the premises of any tenant of
378 the commercial lifestyle center, excluding a parking lot, that is not a retail establishment
379 licensed by the Board upon approval of the tenant.

380 “(d) The Board shall give notice of the CLC application pursuant to § 25-421.

381 “(e) Holders of a CLC license shall:

382 “(1) Be located in a commercial or mixed-use zone area as defined by the
383 Board of Zoning Adjustment;

384 “(2) Prohibit persons from consuming alcoholic beverages within the
385 commercial lifestyle center that were not purchased from a center facility;

386 “(3) Require a center facility to place the beer, wine, or spirits provided
387 to consumers in reusable containers that are distributed and recollected through a
388 deposit-refund system, and subsequently sanitized, which may be provided through
389 third-party reusable food service ware providers as defined by section 401(9) of the
390 Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C.
391 Law 20-142; D.C. Official Code § 8-1531(9)) for reuse;

392 “(4) Demonstrate in its CLC license application how center facility plans
393 to acquire reusable containers, sanitize the containers, and ensure the containers are
394 reused.

395 “(5) Require that each tenant in the center facility has an identifying mark
396 on their reusable containers distinguished from all other tenants as approved by and registered
397 with ABRA.

398 “(6) Post appropriate signage identifying the boundaries of the licensed
399 facility center;

400 “(7) Have adequate security for the licensed facility center to ensure
401 compliance with this title and Title 23 of the District of Columbia Municipal
402 Regulations; and

403 “(8) Have adequate trash receptacles on the licensed premises and ensure
404 the licensed premises is free of trash and other debris that may attract rats and other
405 vermin.

406 “(f)(1) If the Department of Energy and Environment determines that the
407 licensee has failed to serve a beverage in a reusable container, the Department of Energy
408 and Environment shall impose a penalty on the licensee.

409 “(2) The penalty required under paragraph (1) of this subsection
410 shall be a class 4 infraction under the Schedule of Fines in section 3201 of Title 16 of
411 the District of Columbia Municipal Regulations (16 DCMR § 3201), pursuant to the
412 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective
413 October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801.01 *et seq.*) (“Civil
414 Infractions Act”) Adjudication of any infraction shall be pursuant to the Civil Infractions
415 Act.

416 “(g) There shall be 2 classes of CLC licenses, which shall be:

417 “(1) Class C/L (spirits, beer, and wine); and

418 “(2) Class D/L (beer and wine).”.

419 “(h) Within 180 days of the effective date of the Reopen Washington DC
420 Alcoholic Beverage Regulation Amendment Act of 2022, as introduced on January 26,
421 2021 (Bill 24-44), the Board shall issue rules clarifying the parameters of the authority

422 of private security in carrying out their duties while working the licensed premises of a
423 center facility.”.

424 (b) Chapter 2 is amended as follows:

425 (1) Section 25-205 is amended as follows:

426 (A) Subsection (a)(2) is amended to read as follows:

427 “(2) The support for, and objections to, the granting of licenses.”.

428 (B) Subsection (b) is amended to read as follows:

429 “(b)(1) The Board shall maintain its records in a manner that allows disclosure to
430 any person who has requested access to public records, except for those records or
431 portions of records that are protected from disclosure by the exemptions listed in § 2-531
432 *et seq.* (“FOIA”).

433 “(2) Requests to obtain copies of records maintained by the Board shall be
434 submitted in writing to ABRA’s FOIA Officer pursuant to FOIA requirements.

435 “(3) The FOIA Officer shall respond to a FOIA request with a grant or a
436 denial for access to records within 15 business days after the date of receipt of the
437 request. The 15-business-day limit may be extended up to an additional 10 business
438 days for unusual circumstances, as set forth in § 2-532(d).

439 “(4) Reasonable fees and costs may be imposed upon requesters pursuant
440 to § 2-532(b) and (b-1).”.

441 (C) Subsection (d) is repealed.

442 (c) Chapter 3 is amended as follows:

443 (1) Section 25-303 is amended as follows:

444 (A) A subsection (a) is amended as follows:

445 (i) A new paragraph (2A) is added to read as follows:

446 “(2A) Notwithstanding paragraph (2) of this subsection, a licensee under an
447 on-premises retailer’s license, class CR, DR, CT, or DT, may hold an interest in one off-
448 premises retailer’s license, class A, B, AI, or BI, and a third-party delivery license.”.

449 (ii) Paragraph (3) is amended by striking the phrase “hold an
450 interest in any other license” and inserting the phrase “hold an interest in any other
451 license; except, that an off-premises retailer’s license, class A or B, may hold an interest
452 in one on-premises retailer’s license class CR, DR, CT, or DT” in its place.

453 (iii) Paragraph (4) is amended to read as follows:

454 “(4) No licensee under an off-premises retailer’s license, class AI or BI, shall
455 hold an interest in any other license; except, that an off-premises retailer’s licensee, class
456 AI or BI, or a full-service grocery store class B or 25% grocery store class A may hold
457 an interest in a third-party alcohol delivery license and one on-premises retailer’s
458 license, class CR, DR, CT, or DT, and up to 5 off-premises retailers license, Class AI or
459 BI.”.

460 (iv) A new paragraph (5) is added to read as follows:

461 “(5) No licensee under an on-premises retailer’s license, an off-premises
462 retailer’s license, or a manufacturer’s license shall hold a direct or indirect interest in a
463 third-party alcohol delivery license; except, that an on-premises retailer’s license class
464 CR, DR, CT, or DT, an off-premises retailer’s license class AI, BI, or full-service
465 grocery store class B or 25% grocery store class A may hold a direct or indirect interest
466 in a third-party alcohol delivery license.”.

467 (B) Subsection (c-1) is amended by striking the phrase “class CR or
468 DR” and inserting the phrase “class CR, DR, CT, or DT” in its place.

469 (C) A new subsection (c-2) is added to read as follows:

470 “(c-2)(1) Notwithstanding subsection (a) of this section, the holder of an off-
471 premises retailer’s license, class A or B, shall be permitted to apply for one 25% grocery
472 store class A retailer’s license for a grocery store that is newly constructed with a
473 certificate of occupancy issued after January 1, 2021, that meets the requirements of §
474 25-333(f) and is located in either Ward 7 or Ward 8.

475 “(2) After 12 months of operation in either Ward 7 or Ward 8, the holder
476 of a 25% grocery store class A retailer’s license pursuant to paragraph (1) of this
477 subsection shall be permitted to apply for one additional 25% grocery store class A
478 retailer’s license for a grocery store that is newly constructed with a certificate of
479 occupancy issued after January 1, 2021, that meets the requirements of § 25-333(f) at a
480 location in Wards 1 through 6.

481 “(3) For the purposes of this subsection, the election ward boundaries in
482 effect from January 1, 2012, through December 31, 2021, apply to each ward referenced
483 in this subsection.”.

484 (2) Section 25-314(b) is amended by adding a new paragraph (12) to read as
485 follows:

486 “(12) The 400-foot restriction shall not apply to an establishment operating
487 under a 25% grocery store class A retailer’s license issued pursuant to § 25-303(c-2).”.

488 (3) Section 25-331(e) is amended by striking the phrase “class AI,” and
489 inserting the phrase “class AI or 25% grocery store class A,” in its place.

490 (4) Section 25-333 is amended as follows:

491 (A) A new subsection (c-2) is added to read as follows:

492 “(c-2)(1) Notwithstanding subsection (a) of this section, the holder of an off-
493 premises retailer’s license, class A or B, shall be permitted to apply for one 25% grocery
494 store class A retailer’s license in either Ward 7 or 8.

495 “(2) After 12 months of operation in either Ward 7 or 8, the holder of a
496 25% grocery store class A retailer’s license shall be permitted to apply for one additional
497 25% grocery store class A retailer’s license at a location in Wards 1 through 6.

498 “(3) For the purposes of this subsection, the election ward boundaries in
499 effect from January 1, 2012, through December 31, 2021, apply to each ward referenced
500 in this subsection.”.

501 (B) A new subsection (f) is added to read as follows:

502 “(f)(1) This section shall not prohibit the issuance of a 25% grocery store class A
503 retailer’s license for the sale of alcoholic beverages if:

504 “(A) The applicant’s establishment is newly constructed with a
505 certificate of occupancy issued after January 1, 2021, and is located in either Ward 7 or
506 8, as set forth in § 1-1041.03(a);

507 “(B) The establishment’s primary business and purpose is the sale
508 of at least 6 of the 7 following food categories:

509 “(i) Fresh fruits and vegetables;

510 “(ii) Fresh and uncooked meats, poultry, or seafood;

511 “(iii) Dairy products;

512 “(iv) Canned foods;

513 “(v) Frozen foods;

514 “(vi) Dry groceries and baked goods; or

515 “(vii) Non-alcoholic beverages;

516 “(C) A minimum of 8,000 square feet of the retail establishment’s

517 selling area is dedicated to the sale of at least 6 of the 7 food item categories listed in

518 subparagraph (B) of this subsection and the sale of alcoholic beverages constitutes no

519 more than 25% of the total volume of gross receipts on an annual basis;

520 “(D) The establishment is not located in a residential-use district as

521 defined in the zoning regulations and shown in the official atlases of the Zoning

522 Commission for the District or, if located within the Southeast Federal Center, in the

523 SEFC-1; and

524 “(E) The establishment files with the Board within 60 days after the end

525 of each year a statement of expenditures and receipts containing:

526 “(i) The total amount of receipts for the sale of alcoholic

527 beverages, indicating the:

528 “(I) Amount received for the sale of alcoholic beverages;

529 “(II) Amount received for the sale of food and items other

530 than alcoholic beverages; and

531 “(III) Percentage of the total amount of receipts

532 represented by the amounts specified in sub-sub-subparagraphs (I) and (II) of this sub-

533 subparagraph;

534 “(ii) A statement indicating the method used to compute the

535 amounts and percentages; and

536 “(iii) An affidavit, executed by the individual licensee, partner of
537 an applicant partnership, or the appropriate officer of an applicant corporation,
538 partnership, or limited liability company, attesting to the truth of the annual statement.

539 “(2) For the purposes of this subsection, the election ward boundaries in
540 effect from January 1, 2012, through December 31, 2021, apply to the ward referenced
541 in this subsection.”.

542 (5) Section 25-339 is amended to read as follows:

543 “(a) There shall be no nightclub license holders, class C or D, within the
544 Georgetown Historic District. No existing nightclub license shall be transferred to any
545 location within the Georgetown Historic District.

546 “(b) Subject to subsection (f) of this section, the number of tavern license
547 holders, class C or D, within the Georgetown Historic District shall not exceed 12. No
548 existing tavern license shall be transferred from outside of the Georgetown Historic
549 District to any other location within the Georgetown Historic District, except when the
550 number of tavern license holders in the Georgetown Historic District is less than 12.

551 “(c) Notwithstanding the requirements of Subchapter IV of this Chapter,
552 beginning after the effective date of the Reopen Washington DC Alcoholic Beverage
553 Regulation Amendment Act of 2022, as introduced on January 26, 2021 (Bill 24-44),
554 there shall be a 3-year moratorium on any exceptions or changes to the limitation
555 established in subsection (b) of this section.

556 “(d)(1) Upon the expiration of the moratorium established pursuant to subsection
557 (c) of this section, at the request of any group with standing pursuant to § 25-601, the

558 Board may hold a public hearing to determine whether the limitation set forth in
559 subsection (b) of this section should be terminated or modified.

560 “(2) The public hearing shall be in the nature of a rulemaking hearing
561 under § 2-505 and not in the nature of a contested case under § 2-509.

562 “(3) At the public hearing, any interested person may appear to give oral
563 or written testimony.

564 “(4) After the Board issues rules to terminate or modify the limitation on
565 tavern licenses, the Board may hold future public hearings, not more frequently than
566 every 5 years, in response to a moratorium petition filed pursuant to Subchapter IV of
567 this Chapter 3 to determine the limitation on tavern licenses in the Georgetown Historic
568 District.

569 “(e)(1) Subject to subsection (f) of this section, until the Board issues rules
570 pursuant to subsection (d) of this subsection, the holder of a retailer’s license in the
571 Georgetown Historic District shall be prohibited from applying for a conversion of its
572 license to a tavern license, class C or D, and the Board shall only issue a new tavern
573 license in the Georgetown Historic District to an applicant for an establishment:

574 “(A) Of a new business or new entity with a new trade name
575 formed after January 1, 2022; and

576 “(B) That has a new certification of occupancy issued after
577 January 1, 2022.

578 “(2)(A) An applicant that is issued a new tavern license shall begin
579 operation within 18 months after receiving the Board’s approval.

580 (B) If the holder of a new tavern license does not begin operation
581 within 18 months of the Board’s approval, the tavern license shall be deemed cancelled
582 by the Board unless the licensee receives a 60-day extension from the Board for good
583 cause.

584 (C) A licensee issued a new tavern license under this paragraph
585 shall not be entitled to more than one 60-day extension from the Board.

586 “(f) Upon rules being issued, and published, pursuant to subsection (d) of this
587 section, subsections (b) and (e) shall not apply.”.

588 (6) Section 25-342 is amended by adding a new subsection (d) to read as follows:

589 “(d) The restrictions set forth in subsections (b) and (c) of this section shall not
590 apply to an off-premises retailer’s license, class A or B, that operated as a full-service
591 grocery store or received an exception from the Board pursuant to § 25-346(c) that is in
592 Ward 7 but that was located in Ward 6 prior to the effective date of the Ward
593 Redistricting Emergency Amendment Act of 2021, effective December 29, 2021 (D.C.
594 Act 24-264; 69 DCR 1), or the Ward Redistricting Amendment Act of 2021, enacted on
595 December 29, 2021 (D.C. Act 24-265; 69 DCR 10).”.

596 (7) Section 25-343 is amended as follows:

597 (A) A new subsection (b-1) is added to read as follows:

598 “(b-1)(1) Notwithstanding subsection (b) of this section, the holder of a retailer’s
599 license, class B, that meets the definition of a full-service grocery store as set forth in §
600 25-101(22A), or a 25% grocery store retailer’s license, class A, as set forth in § 25-
601 333(f), in Ward 8 shall be allowed to divide a manufacturer’s package of more than one

602 container of beer, malt liquor, or ale to sell an individual container of the package that is
603 70 ounces or less.

604 “(2) For the purposes of this subsection, the election ward boundaries in
605 effect from January 1, 2012, through December 31, 2021, apply to the ward referenced
606 in this subsection.”.

607 (B)New subsections (d) and (e) are added to read as follows :

608 “(d)(1) Notwithstanding subsection (c) of this section, the holder of a retailer’s
609 license, class B, that meets the definition of a full-service grocery store as defined in §
610 25-101(22A), or a 25% grocery store retailer’s license, class A, as set forth in § 25-
611 333(f), in Ward 8 shall be allowed to sell, give, offer, expose for sale, or deliver an
612 individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.

613 “(2) For the purposes of this subsection, the election ward boundaries in
614 effect from January 1, 2012, through December 31, 2021, apply to the ward referenced
615 in this subsection.

616 “(e) The restrictions set forth in subsections (b) and (c) of this section shall not
617 apply to an off-premises retailer’s license, class A or B, that operated as a full-service
618 grocery store or received an exception from the Board pursuant to § 25-346(c) that is in
619 Ward 8 but that was located in Ward 6 prior to the effective date of the Ward
620 Redistricting Emergency Amendment Act of 2021, effective December 29, 2021 (D.C.
621 Act 24-264; 69 DCR 1), or the Ward Redistricting Amendment Act of 2021, enacted on
622 December 29, 2021 (D.C. Act 24-265; 69 DCR 10).”.

623 (8) Section 25-374 is amended as follows:

624 (A) Subsections (e), (f), and (g) are repealed.

625 (B) A new subsection (h) is added to read as follows:

626 “(h)(1) Within 2 years of the effective date of Reopen Washington DC
627 Alcoholic Beverage Regulation Amendment Act of 2022, as introduced on January 26,
628 2021 (Bill 24-44) (“Reopen Washington DC Act”), a class CN retailer’s license with a
629 nude dancing endorsement under § 25-371(b) whose lease within the Buzzard Point
630 section of Ward 6 expired or otherwise became ineffective within 24 months prior to the
631 effective date of the Reopen Washington DC Act shall be permitted to transfer its
632 license to a new location; provided that, the applicant satisfies the requirements set forth in §§
633 25-314, 25-317, 25-421 and 25-422.

634 “(2) Notwithstanding any other provision of this section, an application
635 filed pursuant to this subsection shall permit the applicant to transfer its license and
636 endorsement to any location in the Central Business District, or zoned D-2, D-3, D-4,
637 D5, D-6, D-7, D-8, or PDR1-PDR7.

638 “(3) The transfer of a CN license with a nude dancing endorsement
639 pursuant to paragraph (1) of this subsection shall be approved within 2 years of the
640 effective date of the Reopen Washington DC Act.

641 “(4) For the purposes of this subsection, the election ward boundaries in
642 effect from January 1, 2012, through December 31, 2021, apply to the ward referenced
643 in this subsection.”.

644 (d) Chapter 4 is amended as follows:

645 (1) Section 25-401(c) is amended by striking the phrase “shall sign a
646 notarized statement certifying” and inserting the phrase “shall sign a statement with an

647 original signature, which may be a signature by wet ink, an electronic signature, or a
648 copy thereof, certifying” in its place.

649 (2) Section 25-402 is amended as follows:

650 (A) Subsection (d) is repealed.

651 (B) A new subsection (e) is added to read as follows:

652 “(e)(1) An applicant for a new manufacturer’s, wholesaler’s, or retailer’s license
653 shall complete a mandatory licensee training offered, at no cost by ABRA within 90
654 calendar days of being issued the license.

655 “(2) Failure to comply with paragraph (1) of this subsection may result in the
656 Board issuing a fine or suspending or revoking the license in accordance with chapter 8
657 of this title.”.

658 (3) Section 25-403 is amended as follows:

659 (A) Subsection (a) is amended by striking the phrase “verify, by
660 affidavit” and inserting the phrase “self-certify” in its place.

661 (B) Subsection (e) is repealed.

662 (4) Section 25-421 is amended as follows:

663 (A) Subsection (a) is amended by striking the phrase “the Board under
664 25-404, or for the transfer of a license to a new location, of a retailer’s license, the Board
665 shall give notice of the application to the following parties” and inserting the phrase “the
666 Board under § 25-404, for the transfer of a retailer’s license to a new location, or for a
667 unilateral petition to amend or terminate a settlement agreement, the Board shall give
668 notice, in accordance with subsection (e) of this section, of the application to the
669 following parties” in its place.

670 (B) Subsection (e) is amended to read as follows:

671 “(e) The Board shall give notice to the ANC by electronic mail on or before the
672 first day of the 45-day comment period to:

673 “(1) The ANC office with a copy to each ANC member;

674 “(2) The ANC chairperson; and

675 “(3) The ANC member in whose single-member district the establishment is
676 or will be located.”.

677 (C) Subsection (h) is amended by striking the phrase “after 12:00
678 a.m.” and inserting the phrase “after 1:00 a.m.” in its place.

679 (1) Section 25-443 is amended to read as follows:

680 “§ 25-443. Subpoena of witnesses.

681 “(a)(1) Any party may, by written motion, request that the Board subpoena the
682 appearance and testimony of a witness or the production of documents.

683 “(2) A request for a subpoena shall state the relevancy and scope of the
684 testimony or documentary evidence sought, including, as to documentary evidence, the
685 identification of all documents requested and the facts sought to be proven by them in
686 sufficient detail to establish relevancy.

687 “(3) A party to whom a subpoena is directed may, prior to the time specified
688 in the subpoena for compliance, request the Board to quash or modify the subpoena.

689 “(4) A motion to quash or modify the subpoena shall be accompanied by a
690 brief statement setting forth the reasons for the motion.

691 “(5) The Board may quash or modify the subpoena upon a showing of good
692 cause.

693 “(b) Subpoenas issued by the Board shall be served:
694 “(1) By an officer of the Metropolitan Police Department;
695 “(2) By personal service on the party being subpoenaed;
696 “(3) By leaving the subpoena at the person’s District Government office with
697 the person in charge of the office; or
698 “(4) By mailing the subpoena by registered or certified mail to the person at
699 the person’s last known address.

700 “(c) The Board may, upon the failure by a person to obey a subpoena served
701 upon him or her, apply to the Superior Court of the District of Columbia for an order
702 requiring the person to appear before the Board to give testimony, produce documentary
703 evidence, or both.”.

704 (e) Chapter 5 is amended as follows:

705 (1) The table of contents is amended by adding a new section designation to
706 read as follows:

707 “§ 25-513. Minimum fee for third-party delivery license.”.

708 (2) Section 25-504 is amended by adding a new subsection (c) to read as
709 follows:

710 “(c) The minimum annual fee for a commercial lifestyle center license shall be:

711 “(1) Class C/L \$ 1,000; and

712 “(2) Class D/L \$ 750.”.

713 (3) Section 25-508 is amended by striking the period and inserting the phrase
714 “Sports wagering \$100/year.” in its place.

715 (4) A new section 25-513 is added to read as follows:

716 “§ 25-513. Minimum fee for third-party delivery license.

717 “The minimum annual fee for a third-party delivery license shall be \$200.”.

718 (f) Chapter 7 is amended as follows:

719 (1) The table of contents is amended as follows:

720 (A) A new section designation 25-704 is added to read as follows:

721 “§ 25-704. Management agreements.”.

722 (B) The section designation for section 25-766 is amended to read as

723 follows:

724 “§ 25-766. Prohibited statements in advertisements.”.

725 (C) A new section designation 25-767 is added to read as follows:

726 “§ 25-767. Outdoor common seating area.”.

727 (2) A new section 25-704 is added to read as follows:

728 “§ 25-704. Management agreements.

729 “(a) A licensee or applicant who enters into a management agreement with a

730 third-party for the management of a licensed premises shall provide the Board with a

731 copy of the agreement within 30 calendar days of execution.

732 “(b) Notice of cancellation or termination of a management agreement shall be

733 provided in writing to the Board within 30 calendar days of the cancellation or

734 termination.”.

735 (3) Section 25-711(f) is amended to read as follows:

736 “(f) While managing or working at a licensed establishment, the owner, Board-

737 approved manager, or employees or agents of a retailer’s, manufacturer’s or

738 wholesaler’s licensee shall carry a valid identification document on his or her person

739 while on duty, including if he or she is outside of the licensed establishment or
740 delivering alcoholic beverages, and shall show the identification document upon request
741 to an ABRA investigator or a member of the Metropolitan Police Department.”.

742 (4) Section 25-721 is amended as follows:

743 (A) Subsections (a), (a-1), and (b) are amended to read as follows:

744 “(a) A licensee under a wholesaler’s license shall sell and deliver alcoholic
745 beverages to other licensees only between the hours of 5:00 a.m. and 1:00 a.m., Monday
746 through Saturday.

747 “(a-1) Notwithstanding subsection (a) of this section, a licensed wholesaler may
748 sell and deliver alcoholic beverages to District residents, or to customers for curbside
749 delivery, between the hours of 5:00 a.m. and 1:00 a.m., Monday through Sunday.

750 “(b) In addition to the provisions in subsection (a) of this section, a licensed
751 wholesaler, class A or B, may deliver alcoholic beverages to other licensees between the
752 hours 5:00 a.m. and 1:00 a.m., on Sunday.”.

753 (B) Subsection (d) is amended by striking the phrase “and the homes of
754 District of Columbia residents” and inserting the phrase “and to District residents, or
755 provide to customers by curbside delivery,” in its place.

756 (5) Section 25-722 is amended as follows:

757 (A) Subsection (a) is amended by striking the phrase “alcoholic
758 beverages” and inserting the phrase “alcoholic beverages to District residents, or provide
759 to customers by curbside delivery,” in its place.

760 (B) Subsection (b) is amended to read as follows:

761 “(b) The Board may also permit a licensee under an off-premises retailer’s
762 license, class A or B, to sell or deliver alcoholic beverages to District residents, or
763 provide to customers by curbside delivery, between the hours of 6:00 a.m. and 1:00 a.m.
764 on Sundays subject to settlement agreement pursuant to § 25-446.”.

765 (6) Section 25-723 is amended as follows:

766 (A) Subsection (b) is amended as follows:

767 (i) Strike the phrase “and subsections (c), (d), and (g)” and
768 insert the phrase “and subsections (c) and (e)” in its place.

769 (ii) Strike the phrase “on-premises retailer’s” and insert the
770 phrase “on-premises retailer’s license” in its place; and

771 (iii) Strike the word “consume” and insert the phrase
772 “permit the consumption of” in its place.

773 (B) New subsections (b-1) and (b-2) are added to read as follows:

774 “(b-1) Except as provided in § 25-724 and subsection (c) and (e) of this section,
775 the licensee under an on-premises retailer’s license or manufacturer’s license that holds
776 an on-site sales and consumption permit may deliver alcoholic beverages to the home of
777 District residents, or provide to customers for curbside delivery at any time between the
778 hours of:

779 “(1) 6:00 a.m. and 1:00 a.m., Monday through Friday, excluding District and
780 federal holidays; and

781 “(2) 6:00 a.m. and 1:00 a.m. on Saturday and Sunday, excluding District and
782 federal holidays.

783 “(b-2) Notwithstanding subsection (b) of this section, a holder of a commercial
784 lifestyle center license may operate and permit the sale, service, and consumption of
785 alcoholic beverages on the licensed premises between the hours of 7:00 a.m. and 11:00
786 p.m., Sunday through Thursday, and 7:00 a.m. and midnight, Friday and Saturday.”.

787 (C) Subsection (c) is amended as follows:

788 (i) Paragraph (1) is amended by striking the word
789 “consume” and inserting the phrase “permit the consumption of” in its place.

790 (ii) Paragraph (2) is amended by striking the word
791 “consume” and inserting the phrase “permit the consumption of” in its place.

792 (iii) Paragraph (4) is amended by striking the phrase “and a
793 public safety plan”.

794 (D) Subsection (e)(1) is amended as follows:

795 (i) Strike the phrase “manufacturer’s license” and insert the
796 phrase “manufacturer’s license holding an on-site sales and consumption permit” in its
797 place.

798 (ii) Strike the word “consume” and insert the phrase “permit
799 the consumption of” in its place.

800 (iii) Subparagraph (A) is amended by striking the phrase
801 “and a public safety plan,”.

802 (7) Section 25-725(b)(3) is amended by striking the phrase “commercial or
803 manufacturing zone” and inserting the phrase “commercial, manufacturing, or mixed-
804 use zone” in its place.

805 (8) Section 25-733(b) is repealed.

806 (9) Section 25-751(c) is repealed.

807 (10) Section 25-766 is amended to read as follows:

808 “§ 25-766. Prohibited statements in advertisements.”.

809 “Advertisements and written notices or other documents that are displayed or
810 provided to the public that contain false or misleading statements with respect to any
811 material fact shall be prohibited.”.

812 (11) A new section 25-767 is added to read as follows:

813 “§ 25-767. Outdoor common seating area.

814 “(a) An applicant for a commercial lifestyle center license may apply to the
815 Board to operate one or more outdoor common seating areas on private space to be
816 utilized by patrons purchasing food and alcoholic beverages from licensed on-premises
817 retailers for carry-out; provided, if

818 “(1) The outdoor common seating area is clearly defined and marked with
819 signage;

820 “(2) Alcoholic beverages consumed in the outdoor common seating area are
821 in plastic or non-glass containers of no more than 16 ounces;

822 “(3) Alcoholic beverages are labeled with the trade name, logo, or other
823 labeling unique to the licensee;

824 “(4) Patrons remain seated while consuming food and alcohol;

825 “(5) There is no bar in the outdoor common seating area;

826 “(6) No food or alcoholic beverage service is provided in the outdoor
827 common seating area;

828 “(7) Open alcoholic beverages may not be taken from the outdoor common
829 seating area into a licensed establishment;

830 “(8) Only alcoholic beverages purchased from licensed establishments may
831 be brought into the outdoor common seating area; and

832 “(9) Any unfinished alcoholic beverage must be discarded prior to or upon
833 leaving the licensed premises of the commercial lifestyle center.”.

834 (12) Section 25-781 is amended as follows:

835 (A) Subsection (a) is amended as follows:

836 (i) Paragraph (1) is amended by striking the semicolon and
837 entering the phrase “; or” in its place.

838 (ii) Paragraph (2) is amended by striking the phrase “; or”
839 and inserting a period in its place.

840 (iii) Paragraph (3) is repealed.

841 (B) Subsection (b) is amended as follows:

842 (i) Paragraph (1) is amended by striking the semicolon and
843 entering the phrase “; or” in its place.

844 (ii) Paragraph (2) is amended by striking the phrase “; or”
845 and inserting a period in its place.

846 (iii) Paragraph (3) is repealed.

847 (C) Subsection (f)(3) is amended by striking the phrase “suspend the
848 licensee” and inserting the phrase “suspend the license” in its place.

849 (D) A new subsection (f-1) is added to read as follows:

850 “(f-1) The stayed suspension days imposed by the Board pursuant to subsection
851 (f) of this section shall activate and be served by the licensee upon a finding by the
852 Board that the licensee has committed another primary tier violation within one year of
853 the date that the violation that resulted in the stayed suspension was adjudicated.”.

854 (E) A new subsection (h) is added to read as follows:

855 “(h)(1) It shall be an affirmative defense to a charge under this section that the
856 licensee or the licensee's employee was shown and inspected a fake or fraudulent
857 identification document of such quality, and that lacked any of the indicia of a fake or
858 fraudulent identification listed in paragraph (2) of this subsection, that a reasonable
859 person would believe that it was valid.

860 (2) For the purposes of this subsection, if at the time of inspection, any of
861 the following were present, the presumption shall be that a reasonable person would not
862 believe that the identification document shown was valid:

863 “(A) The identification was visibly damaged;

864 “(B) The identification lacked the physical materials or features of
865 the valid identification being imitated;

866 “(C) The photograph contained in the identification that was
867 shown did not match the bearer;

868 “(D) The identification is displayed past the printed expiration
869 date; or

870 “(E) The licensee or their agent knew the person was under the
871 age of 21;

872 (13) Section 25-783(e) is amended to read as follows:

873 “(e) It shall be an affirmative defense to a violation of subsection (a) of this
874 section that:

875 “(1) The person was at the time of the violation 21 years of age or older; or

876 “(2) The licensee or a licensee’s employee was shown and inspected a fake
877 or fraudulent identification document of such quality that a reasonable person would, in
878 accordance with § 25-781(h), believe that it was valid.”.

879 (14) Section 25-791(c-1)(3) is amended by striking the phrase “serving
880 a suspension” and inserting the phrase “serving a suspension or a nightclub licensee with
881 a nude dancing endorsement” in its place.

882 (g) Chapter 8 is amended as follows:

883 (1) The table of contents is amended by adding a new Subchapter III
884 designation to read as follows:

885 “Subchapter III. Licensee Use of Security.

886 “§ 25-836. Security plans and security cameras.”.

887 (2) Section 25-822 is amended as follows:

888 (A) Paragraph (2) is amended by striking the phrase “; or” and
889 inserting a semicolon in its place.

890 (B) Paragraph (3) is amended by striking the period and inserting
891 the phrase “; or” in its place.

892 (C) A new paragraph (4) is added to read as follows:

893 “(4) The licensee has been convicted of assaulting an ABRA investigator or a
894 member of the Metropolitan Police Department during the commission of an ABRA
895 investigation.”.

896 (3) Section 25-823(a)(5) is amended to read as follows:

897 “ (5) The licensee interferes or fails to cooperate with an ABRA or Metropolitan
898 Police Department investigation by:

899 “(A) Refusing to allow an ABRA investigator, a designated agent of
900 ABRA, or a member of the Metropolitan Police Department to enter or inspect without
901 delay the licensed premises;

902 “(B) Refusing to allow the examination of the licensee’s books and
903 records of the business;

904 “(C) Providing false or misleading statements with the intention of
905 influencing, impeding, or obstructing the investigation;

906 “(D) Destroying or concealing evidence; or

907 “(E) Failing to produce the requested documents, records, or videos no
908 more than 48 hours from the time of the request.”.

909 (4) Section 25-826(a) is amended by striking the phrase “safety of the public”
910 and inserting the phrase “safety of the public or that the licensee or its agent has
911 assaulted an ABRA investigator or a member of the Metropolitan Police Department
912 during the commission of an investigation” in its place.

913 (5) Section 25-830(a) is amended as follows:

914 (A) Strike the phrase “60-day period of review” both times it appears
915 and insert the phrase “90-day period of review” in its place.

916 (B) Strike the phrase “deem disapproved” and insert the phrase
917 “deemed approved” in its place.

918 (6) A new section 25-836 is added to read as follows:

919 “§ 25-836. Security plans and security cameras.

920 “(a) The following license holders shall be required to file and maintain a written
921 and compliant security plan with the Board:

922 “(1) Nightclubs; and

923 “(2) Any other license holder that the Board, in its discretion, requires that
924 the license holder submit a written security plan.

925 “(b) If a security plan is required in accordance with subsection (a) of this
926 section, no license shall be approved, issued, or renewed unless the applicant has a
927 security plan in compliance with the requirement on file with the Board.

928 “(c) In accordance with subsection (a)(2), the Board may require a licensee to
929 file a security plan by providing the licensee with written notice of the requirement.

930 “(d) The Board may suspend the license of any licensee that fails to file or
931 maintain a compliant security plan within 15 days after receiving written notice from the
932 Board of the security plan requirement until the Board is satisfied that a compliant
933 security plan has been submitted.

934 “(e) A written security plan filed pursuant to this subsection shall include at least
935 the following elements:

936 “(1) A statement on the type of security training provided for, and completed
937 by, establishment personnel, including:

938 “(A) Conflict resolution;

939 “(B) Procedures for handling violent incidents, other emergencies, and
940 calling the Metropolitan Police Department; and

941 “(C) Procedures for crowd control and preventing overcrowding;

942 “(2) Procedures for permitting patrons to enter the establishment;

943 “(3) A description of how security personnel are stationed inside and in front
944 of the establishment;

945 “(4) The number and location of security cameras used by the establishment;

946 “(5) Procedures to prevent patrons from becoming intoxicated;

947 “(6) Procedures to ensure that only persons 21 years or older are served or
948 consume alcohol;

949 “(7) Procedures for maintaining an incident log; and

950 “(8) Procedures for preserving a crime scene.

951 “(f) A licensee may amend or replace an existing security plan on file with the
952 Board by filing a new security plan that is compliant with this section.

953 “(g) A licensee who is required by the Board, pursuant to a Board Order, or by
954 the terms of a security plan or a settlement agreement, or who voluntarily installs and
955 utilizes security cameras on the licensed premises shall:

956 “(1) Ensure that the security cameras are operational, capable of recording,
957 and actually recording while the establishment is in operation;

958 “(2) Maintain any video footage of a crime of violence or a crime involving a
959 gun for a minimum of 30 calendar days;

960 “(3) Make the video footage available within 48 hours upon the request of an

961 “(4) Ensure that the establishment and security cameras comply with all
962 technological and operational standards, such as resolution, frame per record, storage,
963 retention, and image quality standards, that the Board may establish by regulation.

964 “(h) If the licensee knows or reasonably should have known that the cameras are
965 not operational and capable of recording, the licensee shall notify the Board within 10
966 calendar days of when the licensee knew or reasonably should have known that the
967 cameras are not operating and provide the Board with proof of corrective maintenance or
968 replacement.

969 “(i)(1) Security plans that have been amended by the licensee after initial
970 submission to the Board must be filed with the Board within 10 calendar days of the
971 amended plan.

972 “(2) If the licensee has been previously issued a written warning about timely
973 compliance with paragraph (1) of this subsection, the failure to comply with paragraph
974 (1) of this subsection may result in the Board issuing a fine against the licensee or
975 suspending or revoking the license in accordance with Chapter 8 of this title.”.

976 Sec. 3. Fiscal impact statement.

977 The Council adopts the fiscal impact of the Budget Director as the fiscal impact
978 statement required by section 4a of the General Legislative Procedures Act of 1975,
979 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

980 Sec. 4. Effective date.

981 This act shall take effect following approval by the Mayor (or in the event of
982 veto by the Mayor, action by the Council to override the veto), and shall remain in effect
983 for no longer than 90 days, as provided for emergency acts of the Council of the District
984 of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
985 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).